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No man who hath tasted learning but will confess the many ways of profiting by those who, not contented with stale receipts, are able to manage and set forth new positions to the world: and, were they but as the dust and cinders of our feet, so long as in that notion they may yet serve to polish and brighten the armoury of truth, even for that respect they were not utterly to be cast away.—MILTON.

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promise that has not been since fulfilled, endeavoured to authenticate the fables of Firdúsí and his followers at the expense of the Greek historians, and produced some ingenious arguments in support of the fallibility of the knowledge of Persian affairs possessed by the latter: but they certainly did not succesed in proving the possession of any superior sources of information by Firdúsí and his imitators. The Sháh Nama contains a short account of the world-conquests of Iskandar or Sikandar (Alexander the Great) "ar Rumi," "the Roman:" for as Greece formed part of the Roman Empire at the rise of the Islam, the ancient Greeks and Romans are always confounded as one nation in the ideas and writings of the Musalmáns. King Filikús who reigns in Makdunuja (Macedonia) has married a daughter of the Shah in Sháh of Persia, and pays tribute to him as all the kings of Rúm have done before him. His son and successor Sikandar refuses to pay the tribute, and incensed at the demand of it by King Dárá (Darius), and allured by the reports of the unpopularity of the latter caused by his tyranny and avarice, he invades his country and overcomes him, then successively conquers Egypt, India, China and the nations of the North. Sikandar is described as a servant of the Most High God, as gifted with prophecy, and as an incarnation of every human virtue. This view of his character appears to have arisen from the mention made of him in a chapter of the Koran under the name of Dhul-Karnain, "the Two-horned." But long afterwards, when the Muhammadans had learned from their intercourse with Greeks and Europeans, that Alexander the Great was not exactly all that their fancy painted him, rather than confess that they were in the wrong as to the character of their hero, they discovered, with their usual faculty of inventing history to suit their requirements, that there had been two Alexanders the Great, who conquered the world at different times: Iskandar ar Rumi, Alexander the Roman (or Greek), and Iskandar Dhul Karnain, Alexander the two-horned, who is the one mentioned in the Korán.

The following is the mention of Dhul Karnain or Zul Karnain in the chapter of the Korán entitled "the cave."

"The Jews will ask thee concerning Dhul-Karnain. *Answer.* I will rehearse unto you an account of him. We made him powerful in the earth and we gave him means to do everything. And he followed the way, till he came to the place where the sun setteth: and he found it to set in a spring of black mud: and he found near the same a certain people. And we said, O Dhul Karnain, either punish this people or use gentleness to them. He answered whosoever shall commit injustice, him we will surely punish; afterwards he shall return unto his Lord and he shall punish him with a severe punishment. But whosoever

believeth and doeth that which is right, shall receive the most excellent reward, and we will give him in command that which is easy. Then he continued his way until he came to the place where the sun riseth. He found it to rise on certain people unto whom we had not given any thing to shelter themselves therefrom. Thus it was; and we comprehended with our knowledge those who were with him. And he journeyed till he came between the two mountains: beneath which he found certain people who could scarce understand what was said. They said Oh Dhul Karnain, verily Gog and Magog (Yájúj o Májúj) waste the land: shall we therefore pay thee tribute, on condition that thou build a rampart between us and them? He answered, That wherewith my Lord has strengthened me is better; but assist me strenuously, and I will set a strong wall between you and them. Bring me iron in large pieces until it fill up the space between the two sides. And he said, Blow until it become as fire: and he said, Bring me molten brass, that I may pour upon it.

Wherefore they could not scale it nor could they dig through it. Dhul Karnain said, This is a mercy from my Lord; but when the prediction of my Lord shall come to pass, he shall reduce it to dust; and the prediction of my Lord is true. On that day we will suffer some of them to press tumultuously like waves on others; and the trumpet shall be sounded and we will gather them in a body together."

The Prophet then goes on to speak in general terms of the Day of Resurrection and Judgment, and tells us no more about Dhul Karnain. All the Musalman commentators agree that Dhul Karnain means Alexander the Great: but those who know that Alexander was a pagan and a drunkard, pretend that Dhul Karnain was another and a greater Alexander who lived in pre-historic times. All Musalmans believe in the existence of the Sad-i-Sikandar or Wall of Alexander which they now place in the remotest north: probably some traveller's tale of the Great Wall of China was the origin of the Prophet's inspiration; or he may have heard of some ancient fortifications at Derbend, near the Caucasus, which the Turks now call Demir Kapú (the Iron Gate). Ibn Khálídún, the Moorish geographer, speaks of the wall built by Alexander the Great in the extreme north to keep out the hordes of Gog and Magog; and observes "the only authentic notice of this work is that contained in the Koran."

It is, at all events, certain that all the older Musalman historians identify the Dhul Karnain of the Holy Book with Alexander the Great or Iskandar ar Rumi (the Roman or Grecian) who overthrew the old Persian monarchy and the

Kaianian dynasty: and though their accounts of him and his exploits materially differ, the version most generally, and indeed, almost universally accepted, is that contained in the famous and widely known epic poem by Nizámi, entitled the Sikandar Náma, or History of Alexander. The Persian poet Abu Muhammad Bin Yusuf Bin Mu'id, entitled Shekh Nizám-ud-Din, who published his poems under the Takhallus or *nom de plume* of Nizámi. was born at Ganja,* in Persian Armenia, in the twelfth century of our Christian era: the time of the Crusades. He is principally known by his five poems, called by the Persians the Panj Ganj, or five treasures: namely, the Treasury of secrets, the loves of Khusrau and Shirin, and of Majnún and Laili, the Haft Paikar or Seven Statues, and the last composed and most celebrated of all, the Sikandar Náma, or History of Alexander, an epic poem in the same metre (Bahr-i-Mutaqárib. as the Shah Náma of Firdúsí, and whose account of Alexander the Great, Nizámi has generally followed, though going much more into detail in his accounts of the wanderings and exploits of the hero.

These epic poems of Firdúsí and Nizámi were, until quite lately—when Western learning has begun in some degree to filter into the dense ignorance of Islam—universally accepted as authentic history by Muhammadans of all countries where the Persian language was studied. They bear to authentic history in reality just the same relation as the fabled history of King Arthur and his Knights of the Round Table bears to the real life of that British monarch and his Celtic followers. And just as the European romancers of the middle ages represented their legendary heroes, whether Alexanders or Arthurs or Saint Georges, as knights-errant of their own times, so Firdúsí and Nizámi and their imitators have simply taken for their stage and their characters the world and the people that they saw around them, without troubling themselves to enquire into the manners and customs of a bygone age or of foreign nations. All the various nations of whom the Sháh Náma treats are, in their habits and manner of speaking, the same as the Persians who are it's heroes, and these Persians are the men of Firdúsí's own time, only endowed with abnormal strength and courage. It is the same with Nizámi: his Greeks are undistinguishable from his Persians, his Indians, and his Chinese, and his Alexander is an oriental sovereign, presiding in a Court like that of Sultán Kizil Arslán, or Saladin. The world which Alexander conquers is divided politically as it existed in Nizámi's own time; and the Northern nations against whom Iskandar makes his last and most arduous

* Now the Elizabetpol of the Russians.

campaign, are the Balghár (Bulgarians) the Sakáliba (Sclavonians) the Rús (Russians) the Khazars (called by Christian historians Avars), the Alans and others, who though, as is needless to say, quite unknown to the Greeks of Alexander the Great's time, were famous and flourishing at the time that Nizámi wrote. In his time the young and rising Russian nation was rapidly emerging from the barbarism into which it was again trampled down, less than fifty years later, by the Mogul horse-hoofs of Bátu Khán and his Golden Horde. Hence he has made the subjugation of the Russian nation one of the principal exploits of his imaginary Alexander.

In epitomising the exploits of his hero, he says :—

"Za saudái Hind o zu safrái Rús,
Faroshust'álam Chun beitalarús."

He cleansed the world, like to a bridal dress,
From India's black, and Russia's yellowness.

The Turks and Arabs always call the Russians "Bani-ul-asfar ;" "sons of yellowness." Mr. O'Donovan, the late *Daily News* correspondent when at Merv, heard the Tekke Turkomans often speak of "the yellow Russians." The epithet is evidently as old as Nizámi's time, that is, nearly as old as the Russian nation itself : Byron has made use of it in Childe Harold ! According to Nizami's Alexandriad, the arts and appliances which the oriental nations had from time to time borrowed from the Greeks were all the inventions of Alexander himself.

Harold's pilgrimage where he says—

Dark Mukhtar, his son to the Danube is sped
Let the yellow-haired Giaours view his horse tails with dread.
When his Delis come dashing in blood o'er the banks
How few shall escape from the Muscovite ranks !

Saudá and Safrá are, in their secondary meaning, Melancholy and Biliousness, two of the Akláti arba, or Four Temperaments of the Arab physiology which follows the Greek. The two others are the Khúni (sanguine) and Bhalghami (phlegmatic).

Thus Nizámi ascribes to him the invention of coining money, of the looking glass, and of the "naubat," or military music, used at watch-setting or relieving guard. As he conquered the whole world, so he was the first to measure it, and thus to found the science of geography. This was done, Nizámi informs us, by chaining, and when the sea interrupted the labours of the surveyors, the simple expedient was adopted by the monarch, of employing two ships one towing the other. One anchored, while the other took the chain out to its furthest length ; it then anchored in its turn, while the first ship got under weigh and passed it taking on the chain in its turn : in this way the sea was successfully measured as well as the land.

Alexander also surveys the bottom of the sea, descending thereto in a diving bell of his own invention, a gigantic glass bottle enclosed in a frame of stout timber. This story is related by the Arabic historiographer Al Masudi, but is ridiculed by Ibn-i-Khaldún, who pertinently enquires how Alexander could have breathed inside the glass bottle?

According to Nizámi, Alexander on succeeding to the throne on his father's death, makes his first expedition against the Zangi (Ethiopians) who have invaded and spoiled Egypt. Having subdued them, added Egypt and Ethiopia to his own dominions, and built Alexandria, he returns to Rúm. He then refuses tribute to King Dárá of Persia, and after some angry correspondence, invades his country, fights him at Mosul, and Dárá is treacherously slain by some mutinous Sarhangs (Captains of the host). Dárá is represented as a grave and warlike King, no-wise inferior to Alexander except in liberality and justice, but his tyranny and avarice have disgusted his subjects. They now make submission to the conqueror, who is crowned king of Persia at Istakhr (Persepolis) and marries Roshanak (Roxana) the daughter of Darius. Alexander destroys the fire-temples in Persia and establishes the true faith. He makes the pilgrimage to Makka and the Kaaba and receives the willing submission of the Arabs. He goes to Berda' on the southern shores of the Caspian, a country ruled over by a beautiful queen called Naushába, with a Cabinet and Court of Ladies as fair as herself, by whom he is hospitably entertained. Thence to Khorasan and the neighbouring countries, where he builds the cities of Herat and Samarkand. He next conquers India and kills King Fúr (Porus). He then marches against China: the Khákán of that country misdoubting his power of repelling the invader, disguises himself as an ambassador, and in that guise visits Alexander to spy out his strength. Alexander by his superior wisdom detects the stratagem, surprises the Khákan in his disguise, and treats him nobly and honourably, restoring him to his kingdom as a vassal. The Khákán in his turn hospitably and magnificently entertains the King and all his army. Alexander then marches for home: but on the way, Dawál the satrap of Anjáz arrives to tell him that the Russians, with their kindred nations the Alans and Georgians, have come in boats by the way of Derbend, have harried the lands of Anjaz and Berda', and have carried off queen Naushába and her ladies as captives.

Dawál says that the Russians have in these days become so bold that they raid upon the countries of Rúm and Arman (Armenia) and he prophetically adds, that if their inroads are not checked, they will soon be making a spoil of Khurásán.

He abuses them roundly calling them "Kháinán-i-Khalq and, o dúnán-i-Dahr": "Rudest among the peoples and basest in the world." Alexander is furious at the news, utters fearful threats against the Russians, and vaunts his own prowess at their expense in the usual style of inflated bombast which is common to him and all the heroes of these veracious histories. He then gives the word for the country of the Rús, and at the head of his army marches for the "Dasht-i-Khifchák," or the Kipchak plains.

This Russian invasion of the coasts of the Caspian was, however, no fable or invention of Nizámis: it actually happened not long before his own time, and he has only taken the liberty of putting it back a matter of a thousand years or so. We conjecture that he borrowed the idea from the account of this Russian expedition in the Arabic Historical and Geographical Encyclopedia of Al Masúdi, entitled "Murúj az Zahab o Ma'ádin al Johar;" ("meadows of gold and mines of gems") which we shall quote presently.

Before the ninth century the Russians had no separate national existence. They were confounded among the crowd of Sclavonian tribes which roamed the steppes from the shores of the Caspian to those of the Baltic. It was in 850 A. D. that they became consolidated into a people under the guidance of a band of Scandinavian strangers and adventurers, who became the aristocracy of the new nation. Just as the Norman King and Barons acquired an acknowledged and undisputed supremacy in the Saxon nation of Scotland, so did Rurik and his Norman rovers obtain undisputed authority over the Sclaves of Kiev and Novogorod. And with the facility of the Norman for adapting himself to other ways, they soon became as much part and parcel of the subject nation as the Normans of England or Scotland. It is believed that the very name Russian was the Norse appellation of Rurik and his men. Under their leadership, the infant nation grew rapidly and became formidable to all it's neighbours. They occupied all the Northern coasts of the Black Sea, then called by the Musalmans the Bontus or Pontus, after the Greeks.

In the time of Al Mas'údi the country to the north of the Black Sea was chiefly in the hands of the Russians. To the west of them lay the country called Borján, inhabited by the Balghár (Bulgarians): but the land of Balghár itself was placed by the Arabic geographers to the north of the sea of Aral, the seat of the Bulgarian nation before it was driven westward. The Russians and Bulgarians were both still pagan nations, Majús or Magian in Muslim phraseology. So were the great nation of the Khazars, (the Avars of Gibbon) who dwelt at the mouth of the Volga and on the eastern shores of the Caspian,

which to this day is called by the Persians, the "Bahr al Khazarán," or Sea of the Khazars. They were mostly pagans, but many of them had been converted to Islamism, and some to Christianity, all the three different religions existing together apparently with peace and harmony: the remnant of the Khazars still survive as a petty tribe in Dághistán on the shores of the Caspian and in the Russian dominions.

The nation of the Alans was another pagan tribe in the same vicinity. Ibn Khalidún, the Moorish geographer, says that the Alans lived to the south of the Black Sea with their capital at Sinoboli (Sinope?). He says that a people called Berthás lived to the east of the Khazar, and the Bulgarians lived to the north-east of the Berthás. He also says that the country of the Russians extended from the Black Sea on the south to the shores of the Bahr al Muhit (encircling ocean) on the north. He wrote in the fourteenth century, but has taken most of his materials from the work of Edrisi, which the latter composed for his patron Roger, the Norman King of Sicily, in 1154 A. D.

Al Masudi, who compiled his voluminous work in the tenth century, has the following curious passage. The invading nation to which it refers was really the Normans, but his surmise that it might have been the Russians was certainly a sagacious one: "A short time previous to the beginning of the fourth century of the Hijra, ships landed in Spain which had thousands of men on board, who made incursions on the coast. The Muslins of Spain believed that they were a Magian nation, (Ummat min al Majús), who were in the habit of visiting the country once in every two centuries. They came from a gulf of the ocean and not from the strait on which the pillars of copper (columns of Hercules) stand. I suppose this gulf may be connected with the sea of Mayotis and the Pontus through a northern passage, and that the invading nation were the Russians of whom we have spoken; for no other nation sails in the seas which stand in connection with the ocean.

* * * * * * * * *

The sea towards China and the country of As Sila goes all round the country of the Turks, and has communication with the sea of the West (Bahr al Maghrib: the Atlantic) through some straits of the encircling ocean (Okiánús al muhít.)"

In the year 864 A. D., the Russians sailed from their ports on the Black Sea against the coasts near Constantinople with a fleet of two hundred ships which was scattered by a storm. In 904 they made a fresh expedition with a larger force: and in the middle of the tenth century, they fitted out a huge armament with the avowed object of capturing the imperial city: but their fleet was destroyed by Greek

fire launched upon it from the Byzantine gallies. About the same time they made an expedition down the Volga into the Caspian, and scoured the shores of the Musalman Provinces to the south of that sea. This expedition is described at some length by Masúdi in the following passage :—

"The Russians (Ar Rús) consist of several different nations and distinct hordes : one is called "Al Ludaniya" (Lithuanians ?). They go on their mercantile business as far as Spain, Rome, Constantinople and the Khazar. After the year 300 (922 A. D.) they had five hundred ships, every one of which had one hundred men on board : they passed up the estuary which opens into the Pontus, and is in communication with the river of the Khazar (the Volga). The King of the Khazar keeps a garrison on this side the estuary, with efficient warlike equipments to exclude any other power from this passage, and to prevent them from occupying by land that branch of the river of the Khazar which stands in connection with the Pontus ; for the nomadic Turks who are the Ghoz (Al Ghúz) try frequently to winter there. Sometimes the water (the Don ?) which connects the river of the Khazar with the above mentioned estuary, is frozen, and the Ghuz cross it with their horses, for although it is a great water, the ice does not break under them. The King of the Khazar himself frequently takes the field against them, if his garrison is too weak to drive them back ; and he prevents them from going over the ice, thus defending his dominions. It is impossible for the Turks to cross the river in summer.

When the Russian vessels came to the garrison in the entrance of the estuary, they sent to the King of the Khazar to ask his permission to pass through his dominions, to go down his river, and enter into the sea of the Khazar (the Caspian) which is the sea of Jorjan (Georgia), Tabaristan, and of other places of the barbarians (Al Aajim), as we have stated, promising him half the plunder which they should make from the nations who live on the coast of this sea. He gave them leave. They entered the estuary, and continuing their voyage up the river as far as the river of the Khazar, (the Volga), they went down this river, passed the town of Itil, and entered through it's mouth into the sea of the Khazar. This is a very large and deep river. By these means the Russians came into this sea, and spread their predatory excursions over el-Jil (Ghilan) ed Dailem, Tabaristán, Aboskún which is the same as the coast of Jorján, the naphtha country, and towards Aderbaiján, the town of Ardebil which is in Aderbaijân, and about three days' journey from this sea.

They shed blood, plundered property, made children prisoners, and sent out predatory and incendiary corps in all directions.

The inhabitants of the coasts of this sea were thrown into consternation, for they had never had to contend with an enemy from these quarters: for the sea had only been frequented by peaceful traders and fishing-boats. They had been at war with el-Jíl, ed Dailem, and the leader of the forces of Ibn Abi-s-Sáj, but with no other nation. The Russians landed on the coast of the naphtha country (al Nafátih) which is called Bábika (Bákú ?) and belongs to the kingdom of Sharwán Shah. On their return from the coast, the Russians landed in the islands which are near the naphtha country, being only a few miles distant from it. The King of Sharwán was then Ali-ben-el Haithem. As the merchants sailed in boats and vessels in pursuit of their commercial business to those islands, the Russians attacked them: thousands of Muslims perished, and were partly put to the sword, partly drowned. The Russians remained several months in this sea, as we have before said. The nations on the coast had no means of repelling them, although they made warlike preparations and put themselves in a state of defence, for the inhabitants of the coasts on this sea are well civilized. When they had made booty and captives, they sailed to the mouth of the river of the Khazar, and sent messengers with money and booty to the King in conformity with the stipulations which they had made. The King of the Khazars has no ships on this sea, for the Khazar are no sailors: if they were, they would be of the greatest danger to the Muslims. The Larisians (Alares of Christian writers) and other Muslims in the country of the Khazar, heard of the conduct of the Russians, and they said to their king—"The Russians have invaded the country of our Muslim brothers: they have shed their blood, and have made their wives and children captives as they were unable to resist; permit us to oppose them." As the king was not able to keep them quiet, he sent messengers to the Russians, informing them that the Muslims intended to attack them. The Muslims took the field and marched against them, going down the banks of the river. When both parties saw each other, the Russians left their vessels and formed their battle array opposite the Muslims. In the ranks of the latter were many Christians of Itil. The number of the Muslim army was about fifteen thousand men, provided with horses and equipments. They fought three days, and God gave victory to the Muslims; they put the Russians to the sword, others were drowned and only five thousand escaped, who sailed first along the river on which Bortas is situated: then they left their vessels and proceeded by land. Some of them were slain by the inhabitants of Bortas, and others came into the country of Targhiz where they fell under the sword of the Moslems. There were about thirty thousand dead counted on

the banks of the river of the Khazar. The Russians did not make a similar attempt after that year.

Al Mas'ádi says we have related this fact in proof of our statement that the Black Sea and Caspian are separated, against those who maintain that the sea of the Khazar is connected with the sea Màyotis and the strait of Constantinople, through the Máyotis or Pontus: for if this was the case, the Russians would have made their voyage by this way, being the masters of the Black Sea as we have said. Besides, the merchants of all the nations who live near this state, unanimously, that the sea of the barbarians (the sea Caspian) has no strait by which it is connected with any other sea: and as this sea is but small, it can be known in it's whole extent. The history of the Russian ships which we have related, is generally known among all nations who live there. I have forgotten the exact date of their expedition, but it happened after 300 A. H. Perhaps those who maintain that the sea of the Khazar is connected with the strait of Constantinople, mean under the sea of the Khazar, the sea Màyotis, and the Pontus which is the sea of the Targhiz and Russians; God knows how this is."

It seems probable that the poet Nizámi derived his account of the Russian raid upon Berda' from the above narrative of Mas'udi; for Firdúsi in the Shàh Náma, written about two centuries earlier, makes no mention of the Russians, nor of any expedition of Alexander against them. However, he quite makes up for this omission, by representing Alexander the Great to have visited and conquered Andalús (Andalusia, a term used by the Musalmáns for the whole of Spain) which was a Musalmán state, and a principal one, in the days when Firdusi wrote.

Al-Mas'udi has given a particular account in his work of the country of the Moslims in Spain, and of their chief cities of Kortoba (Cordova,) Tuláita (Toledo) and Ishbiliya (Seville), and of the wars which they waged with the Christian refugees of Galicia (Al Jalálika, the Galicians), and their co-religionists Al Afranj (the French) from across the mountains. But neither Masu'di nor Nizámi have fallen into the error of supposing that Alexander the Great ever visited Spain.

To resume the thread of Nizámi's narrative of the Russian campaign: Alexander with his hosts traverses the Dasht-i-Khifcháq, where the women go unveiled after the Tartar fashion, and their beauty consequently commits havoc in the ranks of the king's soldiery: he remonstrates with the elders by a stratagem which is detailed at great length, induces the women to adopt the custom of veiling themselves. From

thence he marches for the country of the Russians through the Dasht-i-Sakláb or Sclavonic plains. The news meanwhile has reached the enemy of the approach of the King of Rúm's army: the lands groaning under the multitude of his troops: and the load of his two hundred elephants harnessed with iron. The Qintál* or Kintál of the Rússians, who was their leader, summons his warriors from the Haft Rús (the seven Russias: probably an allusion to the old division of the country into White Russia, Red Russia, Little Russia, &c.): and from the kindred nations of the Partás, the Alán and the Khazar. The Partás, who are always mentioned by Nizámi as second to the Russians, are no doubt the same as the Bortàs of Mas'udi and the Berthas of Ibn-i-Khalidún: a forgotten people, every trace of whose name even has vanished. The Aláns have also lost their national existence, but the Khazars still exist as an insignificant tribe: there are frequent notices of these last two peoples by European historians.

From this side of the land, says Nizàmi (meaning apparently his own country of Ganja, south of the Caspian) to the Khifchak plains, the whole land was swarming with the pagan warriors: every man sheathed in steel with a steel helmet on his head; buckler on buckler they stood in close-locked ranks, their whole array mustering more than nine hundred thousand men. The Kintál addresses his army and harangues them on the luxury and effeminacy of the Greeks and Chinese of Alexander's army: who live on sweetments and wine, while the Russians drink the blood of their foes: the enemy's soldiers are all dressed in silk and brocade and have crowns of gold on their heads: had he seen such wealth even in a dream it would have made his mouth water: now all this wealth and store shall be the reward of their victory; and moreover, when they have overthrown the King's army, they may easily achieve the dominion of the world. The Kintal then spurs his horse on to an eminence from which he can survey the splendid appearance of Alexander's army which he points out to his rugged soldiery as an earnest of the destined spoil, and thereby causes great enthusiasm among them. Alexander on his side assembles the chiefs of his army, who appeared around him like stars around the moon: Persians, Arabs, Turks and Tartars and men of Yúnán, (Ionia, Greece), Afranj (France, Europe), Misr(Egypt), and

* We cannot find the explanation or derivation of this word قنطال Kintál applied to the Russian chief. It may be a mispronunciation of Kerál كرال the Sclavonian word for King.

Shám (Syria): and addresses them assuring them of certain victory over such barbarians as the Russians, ignorant of the art of war, and imperfectly armed: and then he boasts of his former exploits, and recapitulates his conquests of India and China, after which he expects to find Russia an easy prey. The officers and soldiers excited by his harangue eagerly anticipate the battle of the morrow. The army goes to rest protected by outposts: picquets (Tilaya) and scouts (Jasús). Nizámi's description of these shews that the duties of outposts, in which all oriental nations are now so lamentably deficient, were understood and practised in his time.

In the morning, which is ushered in with the usual Persian wealth of imagery about the Wastern King chasing the flying hosts of darkness, and much more to the same purpose, the two armies are drawn up in battle array. Alexander's by nations; Dawáli the satrap with the Greeks on the right wing, the Chinese on the left wing: two hundred elephants in armour of steel in the centre, with the main body behind them, where the King stations himself, mounted on a white elephant. On the other side the red-faced Russians shone like the shrine of the the fire-worshippers: the Khazars on the right, the wild cries of the Partàs sounding on the left: the Aláns on the wings and the Russians themselves in the centre. The battle is described as all other battles are by Nizámi: the dust obscures the light of the sun, the trampling of the horses makes the earth tremble; the shouting of the warriors would drown the blast of the trump of doom: the rolling of the kettle drums is louder than thunder, and the flashing of the scimitars brighter than lightning: there are hail-storms of arrows, mountains of slain, rivers of blood, and all the hyperbole that Persian imagination can invent. As in the battles described by Homer, while the masses of combatants slaughter each other without any apparent effect on the fortunes of the day, the interest centres in the combat between individual champions (Mubáriz) who spur their steeds out in front of their own army, vaunt their own prowess, deride the enemy, and challenge him to single combat. A lion-like and steel capped Partás in leathern armour thus successively insults and overthrows seventy Greek warriors, and himself in turn succumbs in his seventy-fist duel to the Indian steel of the Prince Hindúi; who in his turn sncccssively overthrows many Russians in single combat till night puts and end to the conflict.

The next chapter is entitled the Musáf i dúam or Second Battle. This is a succession of single combats, the champions circling around each other according to Nizàmi's simile, like the points of a compass. The Prince of Ghilán slays a kinsman of the Kintal as well as many other noble Russians:

CAL
Vol. 83
Pt 1.

and in revenge the Kintal himself takes the field and after a long fight slays the Prince of Ghilán; and this concludes the second day's fighting.

The third days' fighting opens like the preceding ones with a general description of the battle which preludes the succession of single combats of the champions, each being, after his victory, in his turn over thrown by another. Their dresses are described: their helmets of blue steel, their quilted coats of yellow and crimson silk, the silvery sheen of their hauberks of rippling chain-mail. The names of the champions are also given, the Russians bearing such barbarous names as Afranj, Jaram, and Jaudara. The satrap Dawáli engages and slays a gigantic Russian champion, and is attacked by the slain man's bigger brother and wounded, and has to retire to his own lines, where Alexander sends his surgeon to dress his wounds, and this ends the third days' battle.

The fourth battle commences with the overthrow and death of Jaudara by the sword of Hindúi, who is himself afterwards slain by a huge Russian named Tartús, against whom no Greek champion can stand, and Alexander in vain calls on his warriors to engage with him. The monarch is about to take the field in person, when a champion from his army so locked up in steel armour that there is scant passage for his breath, spurs forward and overthrows and kills the redoubtable Tartús. This unknown hero successively destroys forty elephant-bodied Russians in single combat, and strikes terror into their whole army. Darkness ends the fourth days battle, under cover of which the unknown champion quits the field without his identity being discovered.

The fifth day, a mountain-like Alan makes havoc of the king's warriors, till the same unknown champion appears and transfixes him with an arrow. His successor a "Rùsi-i-gurba-chashm" a "cat-eyed (*i. e.*, blue-eyed) Russian" shares the same fate: and all the Russian champions being successively shot down by the unknown archer, the battle speedily comes to a close.

The sixth day the battle commences as usual, when from the Russian centre advances a frightful looking being on foot, clad only in the skins of beasts and armed with an iron club. He overthrows every Greek who comes near him, and their spears and arrows cannot pierce his rhinoceros-like hide. All the king's champions are driven from the field, and the monarch calls a council of war to debate on how to proceed against the monster. One of his wise men tells him that a mountain near the Zulmát (lit. Darkness: the Polar regions) which can be approached only by one narrow and winding path, is inhabited by wild men of the woods, who resemble wild beasts in strength and ferocity, cannot speak, prey on wild animals and sleep in

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trees. When the Russians sometimes happen to discover one of them roosting, they take him in nets and bind him with iron chains; and then it takes the united strength of fifty men to drag him from the tree: if he can succeed in breaking the chain, woe to his captors! but if they succeed in keeping him, they break him in like a wild elephant, and employ his strength and courage in their service. The monster of the day's battle must be one of these wild men. Alexander accepts the explanation, and trusts to his good fortune to find a way of overcoming this inconvenient demon in human form. On the seventh day the monster keeps the field against all comers as on the day before, till the unknown steel-clad warrior dashes out from the ranks of the Kings army, and after a long and desperate combat is overthrown and dragged from the saddle by the victorious monster, who tears off the steel helmet and visor and discloses the face of a lovely woman, whose long musky tresses fall to her waist: the monster moved with tenderness at her beauty foregoes his intention of killing her, and carries her as a prisoner into the Russian Camp. When he returns to the field, the King sends a *must* elephant against him; but the monster seizes the elephant's trunk and twists it till he dashes the bellowing brute to the ground. Alexander now begins to be sorry for himself and to regret that he had ever undertaken to subdue the Russians: but as usual in his emergencies, he has recourse to the counsel of his wise men, one of whom tells him to meet the monster in combat himself trusting in his "Ikbál" or good fortune: and as steel avails naught against the savage's tough hide, he advises him to use the kamand or lasso.

Alexander at once acts on this suggestion, takes horse and lasso, nooses the monster at the first throw, and drags him at full gallop to the camp where he is loaded with chains. He then orders a banquet to be made ready and spends the night in feasting and revelry. He orders the bruised and battered monster to be brought before him, and moved with pity, strikes off his chains, and gives him food and wine: the monster becomes exceedingly happy and fawns at the Monarch's feet: but soon afterwards makes a bolt, and vanishes in the darkness. Some suppose he has taken to his native woods: others opine he may have gone back to his old masters. The King and his courtiers are talking over the events of the day and lamenting the loss of the unknown champion, when the monster rushes back into the assembly with a beautiful girl in his arms, whom he lays at the feet of the astonished King. She turns out to be a damsel some time before given to Alexander by the Khakán of China, and who being piqued at the neglect of her charms, had armed herself cap-a-pie and taken the field to bring herself to her master's notice. She was

the unknown champion captured that morning by the monster. Now captivated by Alexander's kindness, the monster had started off to the Russian Camp, slain the guards, and carried off the fair captive to present to his benefactor. This romantic story is narrated at great length and with great detail by Nizámi.

Al Masu'di tells us of huge monkeys inhabiting mountains on the shore of the Caspian Sea, which may have originated Nizámi's story of the intelligent monster. But it is difficult to imagine that monkeys could ever have been found in such northern latitudes: the passage in Masu'di's work is as follows:—

"Behind these four mountains on the sea-coast is another ring near the precipice: in it are forests and jungles, which are inhabited by a sort of monkeys who have an erect statue and round face: they are exceedingly like men, but they are all covered with hair. Sometimes it happens that they are caught. They shew very great intelligence and docility: but they are deprived of speech by which they could express themselves though they understand what is spoken. Sometimes they are brought to the kings of those nations, and they are taught to stand by them and to taste what is on their table: for the monkeys have the peculiar quality of knowing if poison is in food or drink. Some part of the food is given to the monkey who smells it, and if he eats of it, the king eats: but if not, he knows that it contains poison. The same is the practice of most Chinese and Hindu sovereigns."

The next chapter, after "The Seventh Battle," is entitled "The Victory of Iskandar over the army of the Russians." This makes the eighth battle, as furious as any of the former. Alexander draws up his army as usual, while opposed, stands as firmly as ever:

"Ze digar taraf surkh rúyán-i Rús
Farozinda chun Kibha gah-i-Majús"

"Opposed, the red-faced Russian's line,
Shines like the flames on Magian shrine."

While the battle rages, Satarláb (Astrolabe) the Greek astrologer stands watching the sun to divine the auspicious moment for the decisive attack. When he communicates it to Alexander, the King pushes forward into the thick of the fight, and to make a long story short, lassoes and captures the Kintal himself, when the whole Russian army takes to flight. Succeeding chapters narrate the triumph of the conqueror and the release of Naushaba and her maids from their captivity: and the bestowal of her hand on the satrap Dawáli.

The enumeration of the spoil taken from the Russians occupies a considerable space: not the least part of it being

a variety of costly furs: but in the Russian treasury are also a vast assortment of old and mangy skins, at which Alexander is surprised, till one of the captives explains to him that this is the only money current in Russia, and that his countrymen, like the magician in the story of Aladdin, buy new skins with old ones. Alexander makes some reflections on the wonderful loyalty of the Russians towards their sovereign, which makes them obey his orders to accept furs instead of money, exactly in the style in which a Persian or an Afghan who enters India for the first time may be heard moralising on the wonderful cunning of the English Government in substituting paper for money, and the blind obedience of its subjects, who accept it at its fictitious value.

Ibn Khalidun, who says that the Russians are the savages of the Northern hemisphere, as the Zangi (negroes) are the savages of the Southern, speaks of this habit of all the Sclavonic tribes of using furs instead of money.

In conclusion, Alexander releases the Kintál, who is also called the Shah-i Rús, treats him generously and honourably, and restores him to his throne as a tributary, and leaves him overwhelmed with gratitude; setting out himself for the neighbouring Zulmát (Realm of Darkness) in quest of the fountain of the water of life. The whole story of the campaign of Alexander against the Russians is of course a fiction, and was probably suggested by the expedition of the Russians to the shores of the Caspian which we have noted above, as related by Masu'di. But this fiction, circulated through all Islam in the classic pages of Nizámi, has given the whole Musalman world an idea of the might and valour of the nation which could fight seven pitched battles against the armies of the Great Alexander, which the events of the present time are not likely to contradict.

Of the real history of the Russians little has been written and less is known among the Musalmans. Thirty years had barely elapsed since the writing of the Sikandar Náma by Nizámi, when Russia was trampled into the dust by the horse-hoofs of Batu Khán and his Mughals.

The Persian historian Wassáf, in his valuable and now very rare work, has given a short account of the conquest of Russia and of the irruption of the Mughals into Poland and Germany, where they fought a pitched battle with the steel clad chivalry of Europe on the Silesian plains, and after their victory, filled nine sacks with the right ears of the slain Christians.

From the time of the revolt of the Russians against the Tartar domination, their national history is nothing but the history of a continuous crusade against the Crescent and it's followers. The Tartar Khanates of Kázán and Haji Tarkhán (Astrachan)

were the first to fall under their repeated blows. The songs of the nomad Moslem shepherds, who roam the steppes near the mouth of the Volga, still bewail in mournful numbers the fall of "the strong-walled city, the City Kázán": and the untimely fate of the brave young Prince Bátyr* Torah, the son of the Khan of Qarím (the Crimea) who was defeated and drowned in the marshes when endeavouring to throw succours into the doomed city.

Mirza Mahdi Khán, the Vazir and historian of the great Nadir Shah has, in his "Jahán Kushái Nadiri," or "world conquests of Nadir," narrated the occupation of Ghilan by the Russians in Peter the Great's time. He says the Russians occupied Derbend with four thousand musketeers (tufangchi) who are called in the Russian tongue "soldat." It is observable that he speaks of them always as "Rús" and "Rusiya," whereas Ottoman histories of the last century use the term Maskúb: Muscovy or Muscovite for the Russian country and nation. The famous or infamous Empress Catharine is always called Khúrshíd Kulah (sun-crowned) by Musalman writers, her power and prowess having evidently made a deep impression on these nations, who suffered so much from her arts and arms. Ever since her time the epithet "Sháh i Khúrshid-Kuláh," or sun-crowned King, has been applied by Muhammadan writers to the Czars of Russia.

In the present day all the literature relating to the Russians in the Musalman languages is translated directly from European newspapers. The ignorance of the Musalman writers in the Urdu Press of India is often conspicuously shewn by their erroneous transliteration of the oriental words occurring in these extracts from the English newspapers which they translate from: thus the Turkish word Kazak قزاق which should be well enough known in India, since it occurs in the Bagh o Baghár, is transliterated "Kásik" from the English "Cossack:" and "Sarkash" is the word used for Circassian, following the English mispronunciation, instead of the real form "Charkas" چرکس which is in use with the Turks and Russians. Indeed a very brief perusal of the Urdu journals of India is sufficient to assure any one, of the total dependence of the Musalmans of India upon English sources of information, and of their inability to avail themselves of any other.

F. H. TYRRELL.

* "Bátyr" is the Tartar mispronunciation of the Persian "Bahádur."

ART. II.—AN INDIAN REFORMER.

THE condition of our Muhamadan fellow-subjects in India is very peculiar. They are of three-fold origin; according to which they are recognisable under the native classification of Arab, Mughol, and Pathan. But, in order to convey a clear idea of these divisions to general readers, it is needful to explain, that by Arab is mainly meant those who are descended from the original Muslim immigrants, by Pathan, the representatives of Afghans and of Indian converts, by Mughols, the offspring of Turkmans and Persians. The two former are distinguished by the titles of Saiyid and Shaikh, and profess the Sunni-form of Islam; the last are called Beg, or Khan, and when of Persian blood, are often Shiahs; many of the Pathans sharing the title of Khan also. All are more or less tinctured with Indian nationality, yet are kept together, to a considerable extent, by a sort of religious or secondary patriotism derived from their distinctive creed.

It was a doctrine of the late Mr. Buckle's, that the failure of Islam in India was due to the Arab element. But that element is not nearly strong enough to have determined the action of the Muhamadans in Indian affairs. The peculiarities of the case, and the causes which determined the ultimate defeat of the attempt to form a universal Muslim dominion in the Indian Peninsula, are far more traceable to the Turkish character impressed upon the administration by the race which bore the most active part in the conquest and subsequent transactions. At the same time, these conquerors were accompanied and advised by lawyers and literati of the Arabian school; so that the traditional note of Muslim feeling in India is influenced by a combination, in unequal proportions, of three distinct elements. There is the tradition of conquest—still acting with living force at Haidarabad; the tradition of orthodoxy—which, now that Oudh has fallen, is universal among all ruling Muslim dynasties, and, lastly, there is a feeling of nationality derived from the blood of Hindu converts, that runs in the veins of a large—perhaps preponderant—portion of the Muslim multitude in India.

Nevertheless, the Muhamadans of India, in spite of many common characteristics, as Indians, possess a special peculiarity derived from their position as a minority, professing a somewhat intolerant creed and cherishing the memory that this creed was once the creed of a dominant race. They are engaged, one might suppose, in an attitude of hostility towards the new

masters of the peniusula, who have taken possession of the palaces and tombs of the old Mughol, and have replaced the law of the Prophet and his apostles by a Benthamite system of codification. The English, for their part, taught that Islam is a legalisation of lust and persecution; that all Muhamadan Governments are inefficient, while no orthodox Muhamadan can submit to be ruled by any other; lastly, that the Koran is a religion essentially opposed to progress.

If these indictments could be entirely proved, they would constitute a frightful outlook for the Empire. People do not, perhaps, sufficiently realise the vastness of the multitude of Muslims who are subjects of the Queen. They outnumber not only the population of the British Islands, but those of any country in Europe, with the exception of Russia. If out of fifty-six millions of Muslims in India, there are but forty millions of persons within the Empire, who are as intransigent and irreconciliable as is logicably to be expected from their creed, matters must indeed be in a bad way.

Fortunately, the working of a religious system is not to be absolutely inferred from its direct precepts, or even from what may be thought to be its inherent principle. Christians, for example, are not found in practice to conform to the teaching of their founder in very important respects. If there are two doctrines more pointedly denounced in Scripture than "teetotalism" and "women's rights," it would be difficult to say what they are; yet these two have been espoused as sacred causes by some of the most earnest Christians of our day. Christians are directed (1) to turn their cheeks to the smiter; (2) not to resist spoliation; (3) to obey the powers that be; to take them, even when appointed and controlled by Nero, as of Divine appointment. Which of these three rules is followed, either in letter or in spirit, by the modern nations of Christendom? As to Muhamadans not submitting to be ruled by non-Muslim Governments, that is a statement which is opposed by weighty facts. There are many existing instances of Muhamadan populations so ruled; such as Algeria, Bulgaria, the Crimea, Circassia, etc. In British India—where nearly half the Muhamadans of the world are at this moment living—the Muslim population is, on the whole, remarkably well-conducted. As for the alleged intolerance of Islam, it was the mediæval Mughols who first introduced toleration as a practical element of Government, and the Ottoman Turks in Europe have, in general, acted similarly. It was not from the Moors in Spain that the Christian Church learned the theory and practice of the Inquisition and Acts-of-Faith. Even as to progress, there was a time when all learning and civilisation, between Delhi and Granada were in Muslim hands.

Feelings of this kind found a favouring asylum in the brain of a young Muhamadan of Upper India, nearly half a century ago; and he has lived to witness a very considerable development of them in active life. Saiyid Ahmad Khán was a native of Delhi, descended from ancestors who had immigrated from Herat, and been employed in the service of the Imperial Court, but who were undeniable members of one of the noblest class of Arabia. He was thus a kind of typical Indian Muslim from his birth, being of Arab lineage, yet born in India, and connected with the Mughol Empire. At that time—separated from to-day by so brief an interval—the men of his class were more employed than trusted by the British officials. The fault was not wholly on either side. The Europeans were often inflated, contemptuous, and wanting in any kind of sympathy, either of the head or of the heart. To them the "Amlah," as the subordinate native officials were called, were useful, as were their dogs and horses. But these, on their side, were equally ignorant and unintelligent; very corrupt, as a rule, and looking on the class they served with a dislike, only mitigated by dread and a scorn scarcely veiled by an elaborate assumption of deference. In the popular folk-lore of the day there was a curent couplet:—*Hakim bandar, Amlah kalandar*, which may be thus paraphrased—

"As the clerks their music play
Justice Jacko hops all day."

There was, thus, contempt on both sides; and the British functionary having an uneasy perception that his feelings were returned with interest by subordinates too timid and supple to show theirs (except by adulation) naturally learned to loathe the apparent submissiveness which, nevertheless, they would not allow to lapse. They knew it was insincere, and that the feelings confessed by Shylock in Shakspere's *Merchant of Venice* form a by no means hyperbolic expression of those of the educated Hindustani for his hated and dreaded white superior.

This was the state of things that Saiyid Ahmed undertook to attack. He saw that the Muslim part of the community, though more manly than the Hindus, were, by that very reason, more heavily weighted in the race. The British power in Hindustan could not be destroyed; nor, indeed, is there the faintest ground for supposing that such a thought ever crossed the young reformer's mind. Willingly accepted as it had been less than half a century earlier—by men, many of whom he had known and conversed with—the Saiyid was well assured that, with all its faults and disadvantages, the British administration was, on the whole, what was chiefly needed by a country wasted with long anarchy and yearning for a paramount power. How to make the best of it was the problem

that he set himself: how to utilise it for the resurrection of a people that had known no national life since the fall of Shahjehán, two hundred years before.

When Saiyid Ahmed published his account of the old monuments of Delhi and other historical works, he was still only Munsif (3rd class Civil Judge) of the Imperial city, then included in the North-Western Provinces. It is in that capacity that he is spoken of in Dowson's *Elliot*, only published so recently as eight years ago. By that time, however, he had assumed a very different position; and it is not very creditable to English Orientalism that a man like Professor Dowson should have been so ill-informed as to what was going on in India when editing the historians of that country.

But we must pass from the antiquary and the Munsif, to trace some later steps of Saiyid Ahmad's progress. Promoted to the superior grade of Sadr Amin, Saiyid Ahmed was stationed at Bijnour, in the northern angle of Rohilkhand, when the great catastrophe of 1857 burst forth at Meerut, the conterminous district. His exertions in the cause of the British Government were so far successful, that he was able to provide for the escape of all the Europeans at the head-quarters of the district, and to maintain some vestige of law and order till just before the fall of Delhi, in September; then, he too, had to fly. He went to Delhi, where his home was, but it was only to find that it had been plundered and destroyed in the vicissitudes of the war, from the effects of which, moreover, his mother died. His losses in property amounted to over thirty thousand Rupees—a considerable sum for a native of the middle-class. But he was handsomely treated by the Government, receiving honorific rewards, a pension of Rs. 200 per mensem, say £200 a year, for two lives, and promotion to the post of Principal Sadr Amin, or Subordinate Judge,—the highest then open to Native officers of his department.

Translated to Moradabad, the Saiyid now began his career as a political writer and reformer. His first efforts were, as became a loyal public servant, directed towards the enlightenment of the British Government. In the year following the Mutiny, and while the work of punishment, reconquest, and reorganisation, was still in its earlier stage, he published a pamphlet on the causes of the revolt. With a firmness of touch, and an accuracy of judgment, characteristic of genius, he at once indicated what, if not actually the *fons et origo mali*, was certainly the main reason why the revolt was possible. Allowing for all the immediate provocations of the people, and the concurrent insolence and presumption of the Native army (insufficiently balanced as it was by British troops and enregimented on the faulty principle of associating creeds and tribes

in each corps instead of organising each separately,) he showed the fundamental error. All the discontents of the population, all the fears, pride, and ambition of the sepoys, were based upon one common ground—their general ignorance of the motives, character, and objects of the ruling power. Had there been Indian Members of the Governor-General's Council, the people would have had some idea of the principles of the Government, some confidence in its intentions, and a correct measure alike of its justice and of its strength. It is hardly necessary to add, that this fruitful idea has been adopted with the happiest effect in succeeding times, the Saiyid himself becoming one of its earliest illustrations.

The pamphlet of 1858 was followed, two years later, by another on the "Loyal Muhamedans of India." Under the effects of the excitement originated by the fearful struggle through which they had passed, the Anglo-Indians of those days had begun to look upon Islam as something radically and irreconciliably antagonistic to civilisation, progress, and everything that they held most dear. The Saiyid took up the cudgels in favour of the class of which he himself was a distinguished ornament, and showed by numerous examples that there was nothing to prevent the most high-born and orthodox Muslim from being a hearty friend of British dominion, and giving his life in proof of his sincerity. In both these works he struck the note on which he has continued to harp ever since, until he has at length obtained a general hearing :—

"Government has not cultivated the friendship of its people, as was its duty to do. It was for Government to try and win the friendship of its subjects, not for the subjects to try and win the friendship of Government. . . . Now, friendship is a feeling that springs from the heart. . . a link, as it were, between hearts. . . it was incumbent upon Government to show towards its native subjects that brotherly kindness which the Apostle Paul exhorts us to. . . Now the British Government has been in existence upwards of a century, and up to the present hour has not secured the affections of the people."

This was plain speaking, at such a time, and from a native official, dependent for everything on the favour of a victorious alien despotism, actively employed in the work of vengeance. But the Saiyid's boldness was impartial. While censuring the faults of the British, and defending his loyal brethren, he turned fiercely on those of his confreres who had acted against the British, and scourged them in such terms as these :—

"I hold their conduct in utter abhorrence, as being in the highest degree criminal, and wholly without excuse. It was imperatively their duty—a duty enjoined by their religion—to

identify themselves heartily with the Christians and espouse their cause. . . . It is their happy fortune to live under the shadow of a *great and righteous Government.*"

These impartial censures were not distributed in the English language—which the Saiyid has never mastered—the pamphlets were written in Hindustani, and therefore addressed, at least, as much to the Natives as to Europeans. They were followed up by a critical examination of some of the books of the Bible, (we have already seen the Saiyid enforcing his opinions by reference to St. Paul) and shortly after the author brought out an elaborate defence of the *Pentateuch* against the criticisms of Bishop Colenso.

In 1864 he was at Gházipur, and there set on foot a society for meeting a want which he himself experienced. The original object was to bring the science and literature of the West, and especially of England, within reach of all classes of natives. Moved to Aligarh, he carried the graft with him; and there it grew into a "Literary and Scientific Society," which now boasts of a fine hall, library, and chambers, and which has been the means of translating into the vernacular, no less than twenty-five English works, some of extreme importance, on history, mathematics, and general science. In his inaugural speech, the Saiyid returned to the principle that he had originally been the first to lay down in 1858, and showed that his real motive had not been the political aggrandisement of his countrymen, but the cultivation of sound relations between them and their rulers. At the same time the germ bore fruit at Gházipur, where it is now represented by the Victoria College of that city.

In the spring of 1869 the Saiyid took what was a bold step for an Asiatic of fifty, who did not know English, in resolving to proceed to England with his two sons, whose education he wished to complete in that country. In the *life* before us, are two translations of long letters which he wrote, descriptive of his travels, sufficient of themselves to show his talents as a writer, and the sympathetic good humour of his disposition. In the second, especially, he displays the same impartiality and readiness to appreciate an alien civilisation, which have always accompanied his sincere and deep patriotic feelings. A few extracts must suffice in illustration of this assertion. After apologising for the freedom of the remarks that he is going to record (the letter is addressed to a Hindu friend, Raja Jaikishn Dás) he proceeds to describe some of the wonders of London. He then proceeds to apply the lesson :—

"The result of all, this is, that though I do not absolve the English in India of discourtesy in looking upon the natives of the country as animals, and beneath contempt, I think they

do from want of understanding, and I am afraid, I must confess, that they are not far wrong in their opinion of us. Without flattering the English, I can only say, that the natives of India, high and low, ... are, when contrasted with the English, ... as like them, as a dirty animal is to an able and handsome man We have no right to courteous treatment what I have seen, and see daily, is utterly beyond the imagination of a native of India I am not thinking of things in which, owing to special peculiarities of our respective countries, we and the English differ. I only refer to politeness, knowledge, good faith, cleanly habits, skilled workmanship, accomplishments, and thoroughness, which are the results of education and progress This is entirely due to the education of the men and women, and to their being united in aspiring after beauty and excellence." In all this (and there is more to the like purport) it is easy to point out enthusiasm, and to say that the Asiatic observer, in the excitment of the moment, ranks his own countrymen too low and gives ours a too high and indiscriminate laudation. The opinions are not the less characteristic of the man, thrown off in writing to another Asiatic, without any notion that they would ever be communicated to Europeans. The Anglo-Indians are a class whose faults, when he has occasion to address them, the writer has never spared. , And, to their credit be it said, they have shown him no ill-will for his frank language.

In truth he had a motive when handling the natives with such severity, which his subsequent course of conduct has both explained and justified. There was growing in his mind that design, which he has since done so much to realise, of raising his countrymen, and, above all, his coreligionists, to a level on which they might meet the dominant race on something like a footing of equality ; sharing their principles and pursuits, and working with them for the salvation of Indian society.

The social state of the Indians, and especially of the Indian Muslims, was then at its lowest ebb. Not only was their no friendly intercourse between the Anglo-Indians and the native leaders, but it had become an axiom, corroborated by a superficial observation of the events of Fifty-seven, that no native was worthy of confidence. Whether they knew their Horace or not, the bulk of the European officials felt towards every coloured son of the soil what is expressed in the line—

Hic niger est ; hunc tu, Romane, caveto.

This feeling was especially strong when applied to the followers of the Prophet. Although generally deposed and depressed before the commencement of British administration, the Muhamadans of India preserved some of the traditions of supremacy ; indeed, in Bengal, they had remained supreme

to the last, as also in Oudh. Descended from hardy races of immigrants from Afghanistan and Central Asia, they were known to view with jealous resentment, the intrusion of the British. In many parts of the country, Muslims had long continued in the enjoyment of fiefs conferred for military service by the now fallen dynasty of Delhi: but these lords of the manor had, in various ways, become extensively dispossessed since the introduction of British power: while others had been alarmed or offended by the annexation of Oudh. Here and there they had, accordingly, participated in the revolt of the sepoys, sometimes as territorial chiefs, oftener as simple individuals. Added to this, there was no doubt a very general sulkiness among the more old-fashioned and orthodox; a feeling that they were being gradually enveloped, and crowded out, by a pushing, sceptical race of strangers, worshippers (as it appeared) of three gods, yet governing and educating the people of India on atheistical principles. And, to men thus judging, it seemed that the only chance of preserving the purity of their religious creed and the independence of personal self-respect, was to hold aloof: to avoid touching the accursed thing: to seclude themselves from intercourse with the intruders, and to keep their children from being corrupted by the impious modern learning, including the language in which it was sought to be conveyed. This it was, rather than the indiscriminate contempt spoken of (and partly justified) by Saiyid Ahmad, which really formed the chief motive, and partial vindication of the reserve maintained by the Anglo-Indians of the better sort towards the Muslim section of the native community. And this it was, accordingly, which this benevolent, earnest, and thoughtful man, found himself engaged to destroy.

Soon after his return from England he started a journal, entitled *The Muhamadan Social Reformer*, published in the vernacular, and devoted to combating the religious prejudices of his fellow-countrymen against the acquisition of modern learning and science. When it is borne in mind that he was, as he still is, a faithful follower of Islam, and that he has never himself acquired a mastery of English, it is impossible not to admire the unselfishness with which, for a period of nine years, he continued this labour. What he had to contend with, may be partly imagined by those who have read the notice of him in Mr. Escott's *Pillars of the Empire* (London, 1878). The heads of the Chureh at Mecca denounced him in the strongest terms; and many of the Indian Muslims, convinced that he was Antichrist, obtained from that supreme seat of orthodoxy, a decree authorising his assassination. About the time of Lord Mayo's lamented death, a fanatic followed the Saiyid as far as Lahore, with murderous intentions. The

Saiyid took no precautions, but the project failed for want of heart on the part of the would-be murderer.

At length, in less time, indeed, than that taken by most reforms, a change came over both parties. It rests on the testimony of Colonel Graham, himself a high official in the Police of Hindustan, that a wholesome change was wrought in public opinion. "Muhamadan ideas throughout India have brought them in accord with their rulers; and Saiyid Ahmad's services in this direction are more valuable than his personal services during the Mutiny." The College which he has founded at Aligarh has received the suffrages of persons in such different situations as the late Sir Salar Jung, Prime Minister of the Nizam's dominions, and Sir William Muir, the present Principal of the University of Edinburgh; and Mr. W. W. Hunter, the greatest of Indian literary men (who had once contended against the Saiyid, that Muhamadans were bound by their religious tenets to be the opponents of British sway in Hindustan) has borne the most eloquent witness to the Saiyid's success. Anticipating a little the sequence of time, let us read a few extracts from Mr. Hunter's speech on visiting the College, as President of the Education Commission in August 1882.

"Gentlemen," he said, "it is because this College, in which we are now assembled, forms the greatest and noblest effort ever made in India for the advancement of Muhamadan education, that the Commission have determined to hold its first session for the North-Western Provinces at Aligarh. We hope that our presence here will be taken as our public tribute of admiration to this splendid example of self-help You, who have built this College, will bequeath a noble monument to posterity. You will leave behind you a magnificent memorial of the reconciliation of races; a monument of beneficent energy, and one which will continue for ever a centre of the highest human efforts, vocal with young voices, alive with the hopes and aspirations of young hearts This is a noble work for a mortal to have done upon earth I believe that, very shortly after the country had passed to the Crown, when men were still embittered by the memories of the catastrophe which preceded the transfer, it entered into the heart of our friend, the Hon'ble Saiyid Ahmad, to commence this great work of conciliation. During the first ten years he bore with many disappointments, and made little visible progress with his self-assigned task. He had to give up some of his own views, to make fresh departures, to submit in silence to indifference and disapproval, to the cooling of old friends, and the injurious babble of ignorant enemies. But he never for a moment lost heart: slowly but surely his cause ad-

vanced. Men came to believe in him—because he believed in his work."

Ten years is not a long period in a man's life, and a man's life is a very short period in the life of a community. To few men, indeed, is it given to see the fruit of their labours; but the Saiyid is of that fortunate few. The speech from which the above manly words have been taken, forms a valuable testimony of the point to which the Saiyid had risen. He had solved the problem of Muslim education, showing that the youth of that hitherto irreconcilable community could be wedded to oriental culture without compromising their hereditary creed. He had shown, to suspicious Europeans, of whom Mr. Hunter had once been the most intelligent representative, that it was possible for men to be orthodox Muslims at the same time that they were loyal subjects of the British Empire.

A member of the Viceroy's Council, honoured by the leaders of the Hindu community, and the more intelligent and sympathetic of the European statesmen of India; victorious, gradually, over the prejudices of his own co-religionists; with a decoration for himself and a seat on the High Court Bench for his son, was the Saiyid satisfied? Far from that: in 1883 we find him still striking the sad old chord. This time it is in regard to the volunteer movement. "In not allowing the Natives to become volunteers," he wrote in a private letter, "the Government mean to say that they do not yet trust the Natives . . . There exists yet a wide gulf between Europeans and the Natives of India; and unless it be filled up, nothing can secure the prosperity of the country." That is what is meant by the old chord, the key-note for ever struck: not one of resentment for the past and present, but of anxiety as to the future. The Saiyid is an example to European patriots: he does not seek to traffic in hereditary hatreds: he preaches peace with an earnestness that might shame most Christians.

To return to the chronologic order: in the first month's after his return from Europe, the Saiyid persuaded some of his co-religionists to join him in a committee for inquiring into the question of Muhamadan education. Their first step was to offer three prizes for essays on the subject; and in answer to this offer, they received thirty-two papers. From these it appeared that the reasons which operated with the average of the Faithful in opposing the educational policy of the Government, were hardly "reasons" at all, in the strict sense of the word. Nevertheless, being grounded on prejudices which the Muhamadan inherited with his blood, and which formed, so to speak, part of his moral nature, it was necessary that they should be taken into consideration.

The old English adage teaches us the impossibility of making a horse drink; and, if these prejudices were what they were represented to be, they could not be neglected by the guardians of the Pierian spring. The Saiyid and his associates judged that the objections were genuine; and the success of the scheme which they accordingly prepared has shown that they were right. A compromise was effected, quite in the national spirit of Englishmen. At a meeting held at Benares, where the Saiyid was then serving, it was resolved to offer a sort of middle term to those Musalman parents and guardians who, finding the old system of instruction inadequate, were still unprepared to close with the completely secular system of the State. A Committee was constituted in April 1872, which recognised that Musalman education should embrace the language, literature, and science of England, in combination with the law, jurisprudence, and theology of Islam; and the result was the foundation of the Anglo-Muhamadan College of Aligarh, which was opened for work in the summer of 1875, although the buildings, ten years later, were still far from complete.

In 1876, after thirty-seven years of public service, Saiyid Ahmad retired upon his well-earned pension; and, settling at Aligarh, devoted himself, henceforth exclusively, to the care of his nascent institution. Sir William Muir, the then learned and energetic Lieutenant-Governor, paid an inaugural visit to the College soon after, and on that occasion mentioned that Lord Northbrook, then Viceroy, hoped to be able to lay the foundation-stone of the new buildings. By the time, however, that matters were ready for the ceremony, Lord Northbrook had left India; and the duty devolved on the new Viceroy, Lord Lytton. It took a large space in the public mind, the founding of these buildings. The season was that fair time, hardly to be met with anywhere else, which just succeeds Christmas in Upper India. The winter rains had refreshed the face of nature; the trees were in their fullest leaf; European flowers were coming out in the gardens; the sun was shining with a mellow ray; in the wide grounds of the new College a crowded assembly, chiefly Musalman, was awaiting the arrival of the Viceroy. At twelve o'clock His Excellency appeared, attended by Lord Downe and his viceregal staff, and a cortege of distinguished persons, not only from the adjacent districts, but also from the Punjab, the Deccan and Bengal Proper. After an address had been read by the Saiyid's eldest son (the quondam Cambridge student, now a Puisne Judge of the High Court, N. W. P.) Lord Lytton declared the pleasure that he felt, and the interest, present and future, that the Government took, and would continue to take, in the institution. With that tact and scholarship which distinguished him from

most, even of the greatest, men who have filled his office, Lord Lytton referred to the past stories of Muslim civilisation, and to the benefits that mediæval manners and science had received from the followers of Islam, and he exhorted the modern Muhamadans of India to "seek new fields of conquest, and fresh opportunities for the achievements of a noble ambition." The ceremony was graced by the presence of Lady Lytton, Lady Downe, and other ladies. In the evening there was a dinner, at which about sixty guests were present, of whom half were Europeans, and the evening was closed with some toasts, heartily supported and received.

Such was the 8th January, 1877. at Aligarh, a day to be long remembered there. Next year the Saiyid received further recognition from Lord Lytton. Just twenty years before he had named the want of Native representation in the Legislature as the fundamental cause of the revolt of Fity-seven. He was now to show, by his own example, how much good could be done by an earnest Native Member, even when he did not speak, or even fully understand the language in which the Council conducted its business and its debates. He retained his seat for two years, and was afterwards nominated a second time by Lord Ripon in 1880. During the four years for which he served in all, he did much useful work, and was particularly serviceable in regard to the "Deccan Ryots Bill," and that for introducing Compulsory Vaccination. On each occasion he was in favour of State interference, and the opponent of *laissez faire*. And it is a noteable sign of his catholicity of spirit, that he never confined himself to Muhamadan sentiments, but strenuously endeavoured to win the confidence, and represent the feelings, of the Hindus also. In his place in Council he did what must be the most difficult thing in the world for an ardent reformer, approaching his seventh decade. He avowed a complete change of opinion in regard to a very fundamental item. He admitted that he had once been in favour of making the vernacular speech a main channel for the communication of modern science and learning; writing pamphlets, and founding, as we saw above, a society for the purpose. But he now acknowledged the fallacy of those opinions. He felt, he said, "the soundness and sincerity of the policy adopted by Lord William Bentinck, when he declared that, the great object of the government ought to be the promotion of European literature." As to the degree to which public instruction in India ought to be dependent on State aid, the Saiyid laid down, in the same debate, the principle, that the duty of the Government was "not to provide education for the people, but to aid the people in providing it for themselves." But here, as he admitted with characteristic candour, he was by no means

expressing the general sense of his countrymen. If we would consider the present state of India, we should have to "acknowledge that there are innumerable difficulties which threaten with failure" any immediate attempt to leave the people to their own resources in this behalf. In this connection may be mentioned a little fact, which is very much to the credit of the Saiyid's calmness of judgment. It has been stated that Sir W. Muir, when Lieutenant-Governor of the N.-W. Provinces, had attended a sort of inauguration of the Aligarh College in 1875. On that occasion he had volunteered to introduce a recommendation of a system of instruction for girls. Unmoved by the obvious irrelevancy of his suggestion in the midst of a ceremony connected with the education of boys, the Saiyid had the patience and courtesy to let it pass at the time. But in 1882, when examined as a witness before the Ripon Commission, he found, at last, his opportunity. In a long and argumentative answer to a question by a Member of the Commission, which will be found at p. 323 of Col. Graham's book, he produced the following unqualified conclusion :—

"Any endeavours on the part of Government to introduce female education amongst Muhamadans will, under present social circumstances, prove a complete failure, so far as respectable families are concerned; and, in my humble opinion, will probably produce mischievous results."

Another point in the Saiyid's character came out in the events of the same year. In May 1882, he was honoured by a visit from the able and enlightened Minister of the Nizam, the late Sir Salar Jung. Invited to return the visit, the Saiyid shortly after, went to Hyderabad, where entertainments of all kinds were tendered by the Native nobility. With rare modesty and unselfishness, he declined them all, only stipulating that their estimated cost should be consecrated to the College. The result was an addition to the funds of the institution of the respectable sum of thirty-thousand rupees.

In the spring of 1884, the Saiyid made a tour in the Punjab. Pursuing his usual disinterested course, he deprecated all personal attentions and receptions, and received, indeed, very considerable donations to the College funds, not only from his co-religionists, but from Sikhs and Hindus. In the course of replying to an address presented to him by a National Association at Lahore, he took notice of this, and made it the occasion of a warm recommendation of union between the Hindus and Musalmans, so long divided by political and religious dissension. In the autumn of the same year he was presented to H. R. H. the Duke of Connaught, by the present enlightened ruler of the N.-W. Provinces, Sir A. C. Lyall, and shortly after entertained the new Prime

Minister of Haidarabad, the son of his former friend, Sir Salar Jung, and inheritor of his title, his office, and his virtues. On this occasion the young statesman, on behalf of his Government, announced a permanent grant to the College of Rs. 9,000 a year. A dinner, at which Englishmen and Natives fully patronised, formed the conclusion of the proceedings. Shortly after this the College was visited by Lord Ripon, on which occasion His Excellency delivered a speech which is equally entitled to praise from his opponents and from his habitual supporters. Whatever opinion may be held of the late Viceroy's talents, capacities, and general claim to be regarded as an exceptional benefactor of India, there can be only one sentiment as to the propriety of his endorsement of the sayings and doings of Lord Lytton, and other Anglo-Indian statesmen, in regard to the reforms and the character of Saiyid Ahmad. And equally worthy of notice is the address presented to His Excellency on that occasion, in which the rise and progress of the College were succinctly stated, and a clear account was laid before the head of the Government of the motives, principles, and hopes by which the movement was inspired and actuated. This document, together with the Viceroy's answer, will be found textually reported in Col. Graham's book.

The annual income of the College is now Rs. 44,000 per annum, a large sum in native society, where four rupees a month is an income for a family. There are about 270 students, sent from all parts of the vast peninsula, and comprising many Hindus. The buildings, now approaching completion, are on a vast scale, the principal quadrangle being more than one thousand feet long and more than five hundred broad. The grounds cover one hundred acres. Each student is provided with his own suite of rooms, and the total cost of his board and education is only about £25 a year. Such a foundation marks an epoch in Indian History, and is likely to preserve its founder's memory to a late posterity, especially amongst races so grateful and so affectionate as those of Hindustan.

The private character and conduct of Saiyid Amhed are as blameless as that of the simplest and most indistinguished citizen. Like his father before him, he conforms to the apostolic ideal in being the husband of one wife. In his hospitable bungalow at Aligarh, are to be found all the comforts of civilisation; but the Saiyid himself is of most abstemious habits; and though almost a septuagenarian, and weighing nineteen stone, is of ceaseless activity and unbroken health.

Such is a rapid sketch of the career and character of the man who has undertaken the regeneration of Islam in India.

What the task implies can hardly be understood by Englishmen. The system of the prophet was religious, civil, military and social. Of the first, a general notion forms, of course, a part of every educated man's mental stock—though even of Islam as a religion, very imperfect, and even distorted notions often occur in books. As a military system, Islam has degenerated since science has been introduced into warfare; but as a state of society and body-politic, it is a very widely-spread and very tenacious institution. From Morocco to Eastern Turkestan, sometimes supreme, sometimes subject, this singular system, born in Arabia Felix, continues to influence vast multitudes of men. Its main peculiarities are Liberty, Equality, and Fraternity; not in the hysterical vagueness of European republicans, but in the calm persuasion of fatalists. But joined to these strong principles are elements of weakness: the seclusion of women, polygamy, and a theocratic conception of law.

Saiyid Ahmad's mission does not deal directly with the first two; although, personally, he dissents from both. If polygamy and the *parda* are the deleterious social items that we believe them to be, they will probably be gradually and indirectly modified by the culture that he is giving the Muslims, at least in India. So it was in mediæval Spain, where the Moorish knights went forth from Granada to encounter the Gothic chivalry of Castile, with their mistresses colours on their crests. But the great question, besides which all others are but as the leaves beside the branches of a tree, is this: Is Islam a direct code, revealed from heaven, a "categorical imperative," as to which there can be neither adapting or modifying, neither adding or taking away?

That this is so has hitherto been the orthodox theory, whatever may have been the practice. Doubless, accretions have been permitted, and schools have sprung up which have caused some variation. This is shown by the mere existence of the Wahábis, those puritans of Arabia, whose attempted reformation has been more than once described, and of which the Saiyid himself has drawn out an intelligent and sympathetic summary in the pages of a pamphlet, from which Col. Graham gives copious extracts. But more than that is needed before Islam can become progressive and be reconciled with the general Evolution of Humanity. When a code of law and a system of social ethics, moulded upon the habits of a race of shepherds, living in tents, under a subtropical sky, has been imposed as of divine origin, it is difficult to see how the followers of such institutions are to adapt themselves to life in other and very different conditions. Yet the problem has been solved by the Jews. If an Israelite can

be a member of English society, and of the British Parliament, and yet profess to follow *Leviticus*, it is plain that there must be some compromise possible between the theory of an antique theocracy and the progressive practice of civilisation.

That compromise appears to be the ideal of Saiyid Ahmad. Himself a trained Muslim lawyer, and an orthodox follower of the Koran, he studies the Bible, and has passed the greatest part of his life in administering Anglo-Indian law, that most modern and secular development of Benthamism. His sons have been educated in England: his house is open to European visitors: his college teaches the mathematics of Colenso, and the philosophy of John Stuart Mill. In such a compromise appears to lie the germ of India's furture. Of the books to which reference has been made in this paper, the only one that need be further particularised is a manly, straightforward narrative by a British officer, who has studied Indian Muhamadans with intelligence and sympathy. There is about his book that atmosphere of reality which can only be given to such a subject by actual contact and observation. Colonel Graham is quite free from the Chauvinist bias sometimes found among members of the Anglo-Indian services, while at the same time he approaches the "Native" question without *parti-pris* and that singular mixture of ignorance, credulity, and hysteria which is too frequent among philanthropists who take that question up in England.

H. G. KEENE.

ART. III.—BUDDHA AS A MORALIST.

WAS not Buddha something more than a moralist? Was he not the founder of a religion of widespread sway and paramount influence on one, if not all, the continents of the world? Ought not his position as the originator of a new faith to have precedence of his position as a moral teacher? Why not speak of him first as a reformer of religion, and then as a reformer of morals? Our reply to these and other questions of the sort is, that Buddhism, as taught and promulgated by its founder, was a morality, rather than a religion. The main ingredients of religion, with, perhaps one exception, did not enter into its texture, or constitute its essence.

Buddhism, as originally taught by Buddha himself, did not present, as every religion in the proper sense of the term does, and is moreover expected to do, a supreme object of worship, or objects of worship, super-ordinate, co-ordinate or subordinate. It did not initiate or sanction sensible forms of worship; and it was not associated with those elements of an established ritual, without which a positive religion can neither maintain its sway nor exercise its influence. It ignored the religious side of man's nature almost *in toto*; his sense of dependence on a higher power; his instinct of worship, and his irrepressible longing for the infinite The only features of his religious nature it availed itself of, or utilized, were his hopes of future reward and his fears of future punishment; and on these it worked through the great doctrine of metempsychosis which it borrowed from Hinduism, and considerably modified. A system without a god or gods, prescribed forms of worship and ceremonial observances, may be the centre of a mighty influence; but it should on no account be dignified by the appellation of religion. Dissociated as Buddhism admittedly was, during at least the life-time of its founder, from all, or almost all, the characteristic elements of a system of religious faith, it was in its original type a morality—a morality based on a philosophy—*but not a religion.*

Buddhism, however, became a religion, not long, if not immediately after its author's death; and it thereby demonstrated the futility of every effort systematically or spasmodically put forward to taboo theology or extinguish the religious nature of man. Buddha preached, if he did not lay the foundation of, a system of rank atheism or agnosticism, but his ashes had scarcely become cold, ere his creed of chilling negation or agnostic nescience was transformed into a positive faith by an act of apotheosis by no

means unnatural. The preacher of absolute scepticism in matters of religion was himself changed into a god, and worshipped as an incarnation. The places he frequented, his favorite haunts, became sacred spots of pilgrim devotion; his footprints were traced and adored, and the supposititious remnants of his cremated body, gave rise to a complicated system of relic-worship, and as the system spread—extended its sway from province to province and country to country—its propensity to worship developed into a craze; and diverse and conflicting forms of devotion were borrowed, along with shapeless masses of ceremonial observance, without discrimination, from the varied systems with which it allied itself and incorporated with its substance, till its original type was lost beneath heaps of foreign and heterogeneous accretions.

The successive changes through which Buddhism passed in its gradual transformation from a scheme of austere morality into a shapeless conglomerate of conflicting creeds and jarring forms of worship, cannot be indicated with anything like historical accuracy. But it may justly be assumed that the idea of a roll of prophets terminating, at least temporarily, in Buddha, did enter into its original conception. The prayer he is said "to have offered to all the Buddhas" at the threshold of his career of investigation and reform, is an index to his faith, that a succession of revered teachers had risen and flourished before his own era. Again, when remonstrated with by his father on account of the disgrace which, in the father's opinion, the son was bringing upon his royal race by begging in the very heart of Kapilavastu, Buddha is reported to have answered thus:—"You and your family may claim descent from kings; my descent is from the prophets (Buddhas) of old, and they, begging their food, have always lived on alms." Add to this the fact that in becoming an ascetic, he did not originate and exemplify a new idea, but followed, on the contrary, an example set by a monk of dignified gait and peaceful countenance walking before his own eyes, and the conclusion becomes irresistible, that he believed in an apostolic succession, of which he represented himself as a link.

This germinal idea of the system was gradually expanded and sublimated, and it led to a rank outgrowth of philosophy and mysticism, as well as of legend and fable. But in its original form it could not have been materially different from what Buddha himself is reported in *Tevigga-Sutta* to have said, in these words:—"Know, Vasettha, that (from time to time) a Tathagata is born into the world, a fully-enlightened one, blessed and worthy, abounding in wisdom and goodness, happy, with knowledge of the world unsurpassed, as a guide to erring mortals, a teacher of gods and men, a Blessed

Buddha." It is to be noted here that if the Buddhas spoken of in this extract had been represented as sent by God, and not as self-raised and self-constituted prophets, the root idea of Babu Keshab Chunder Sen's New Dispensation, the idea of a roll of prophets, each rising with the flag of a fresh economy to resuscitate religious and moral earnestness at a time of general degeneracy, would have been noticable therein.

This galaxy of prophets became objects of worship in the Buddhist Church, but not perhaps till Buddha himself had been made a centre or goal of supreme devotion. The claims which Buddha is said to have advanced, could not but lead to his apotheosis amongst the undiscerning masses of his disciples, while the discerning few had every reason to foster an act of worship from which they themselves were to reap a harvest of personal gain. In the *Maha-Parinibbana-Sutta*, he is reported to have said thus of himself:—"What, then, Ananda, is this mirror of truth? It is the consciousness that the elect disciple is in this world, possessed of faith in the Buddha—believing the Blessed one to be the Holy one, the Fully-enlightened one, wise, upright, happy, world-knowing, supreme, the bridler of men's wayward hearts, the teacher of gods and men, the Blessed Buddha." In other self-laudatory declarations in this book, he calls himself "The Light of the World:" "The Eye of the World"; not only "the Blessed one" but the "Happy one." The books recently translated by Rhys Davids literally abound with such expressions of commendation or reverence. In the *Tevigga-Sutta* we have this eulogium pronounced:—"Now regarding that venerable Gautama, such is the high reputation that has been noised abroad, that he is said to be 'a fully enlightened one, blessed and worthy, abounding in wisdom and goodness, happy, with knowledge of the world, unsurpassed as a guide to erring mortals, a teacher of gods and men, a blessed Buddha.'"

The Buddhistic rage for worship did not spend itself on Buddha and his illustrious predecessors. The Dharma, or the Law, though only an abstraction, became in process of time, an object of worship, as well as each and every one of the prophets by whom it had been from time to time promulgated. Buddha, while representing himself as a frail mortal, destined to play his part and disappear for ever, and while speaking of his approaching death in terms of pathetic import, held up the Law as an abiding principle, without beginning, without ending, everlasting and inscrutable. In one of his last discourses he is reported to have spoken thus:—"After my Nirvana ye ought to reverence and obey the Law; receive it, as your master, or as a light shining in the darkness, or as a precious jewel—the Law that I have given, this ye ought to obey and follow carefully,

regarding it in no way different from myself." This extract is found in Beal's "Buddhism in China," and reminds one of several such sayings in the *Maha-Parinibbana-Sutta.* Bigandet begins his chapter on the precepts with these words: "Our author, in a truly philosophical spirit, at first puts to himself the three following questions: What is the origin of the Law? What is man, the subject of the Law? What is the individual who is the promulgator of the Law? The three questions he answers in the following manner: 1st, all that exists is divided into two distinct parts, the things which are liable to change and obey the principle of unstability, such as matter, its modifications, and all beings which have a cause; and those which are eternal and warrantable, that is to say, the precepts of the Law and Nirvana."

This conception of the moral law is materially different from what is ventilated in these days by our modern agnostics, who look upon it as a sort of mechanism of expediency, manufactured for the convenience of society, and therefore changeable as the accidents of social life are, and in whose opinion, what is virtue in a particular age, or under a particular sky, may be vice under altered circumstances. The Law, according to Buddhism, is based on the eternal fitness of things, and the ground of its obligation is, not a divine anthoritative proclamation, but its promulgation by a self-raised or self-constituted teacher. The Law, according to Buddhist belief, is our only guide, and when on account of our systematic disobedience thereto, it is buried under heaps of error, a Buddha appears to revive it, and re-establish its prestige and influence.

But not only was the Law, but the Sangha, or the Assembly of mendicants or priests, converted into an object of worship. The Buddhist confession of faith, as given by Hardy in his "Legends and Theories of the Buddhists," runs thus:—

Buddhan saranan gachchami. I take refuge in Buddha.
Dhamman saranan gachchami. I take refuge in the Law.
Sanghan saranan gachchami. I take refuge in the Priesthood.

The same is given in the *Dhammapada* in these words:—

"The disciples of Gaudama are always well awake. Their thoughts are day and night set on Buddha."

"The disciples of Gaudama are always well awake. Their thoughts, day and night, are always set on the Law."

"The disciples of Gaudama are always well awake. Their thoughts, day and night, are always set on the Church" (the Sangha or Assembly.)

Thus a system of atheism became, almost immediately after the death of its founder, a system of polytheism; no-worship became worship of a great teacher, an abstraction, and a whole host of lazy, filthy, vicious mendicants!

But the process of apotheosis did not stop here. Buddhism carried out a conciliatory foreign, as well as a wise domestic, policy. It not merely gave an impetus to the religious instincts of its followers by drawing them, in spite of its essential principle of atheism, towards a solemn adoration of its recognised trinity of the Buddha, the Dharma and the Sangha; but it conciliated the religious beliefs of the country, by grafting upon its own system a great deal of its current philosophy, and sanctioning thereby its idolatrous worship. It received, with open arms, the pantheistic speculations of our Indian philosophers, and represented "all the Buddhas" as emanations from a primal spirit, which is called Adi-Buddha. Being the absolute and the unconditioned, this all diffusive spirit cannot maintain direct intercourse with created beings or things; and an intermediate agency, consisting of Dhyani Buddhas, their Bodhisatwas, and human Buddhas was called into existence; and the present era of the present Kalpa, or the long period intervening between the commencement and destruction of one mundane system, was placed under the special charge of the Bodhisatwa, called Avalokitesvara, who is called the "All-sided one," and who appears in varieties of forms to instruct and console men. In chapter xxiv of "*Saddharma-Pundarika*," translated by H. Kern, and published in Max Muller's series of "Sacred Books of the East," we have a glimpse presented to us of the mode of teaching, adopted by this emergent deity, in these words :—

"Again the Bodhisatwa Mahasatwa Akshayâmati said to the Lord: How, O Lord, is it that the Bodhisatwa Mahasatwa Avaloki-tesvara frequents this Saha-world? And how does he preach the Law? And which is the range of the skilfulness of the Bodhisatwa Mahasatwa Avalokitesvara? So asked, the Lord replied to the Bodhisatwa Mahasatwa Akshayamati. In some worlds, young men of good family, the Bodhisatwa Mahasatwa Avalokitesvara preaches the Law to creatures in the shape of a Buddha; in others he does so in the shape of a Bodhisatwa. To some beings he shows the Law in the shape of a Pratyeka-buddha; to others again under that of Brahma, Indra and Gandharva. To those who are to be converted by a goblin, he preaches the Law assuming the shape of a goblin; to those who are to be converted by Isvara, he preaches the law in the shape of Isvara; to those who are to be converted by Mahesvara, he preaches assuming the shape of Mahesvara. To those who are to be converted by a Chakravartin, he shows the Law assuming the shape of a Chakravartin; to those who are to be converted by an imp, he shows the Law under the shape of an imp; to those who are to be converted by a Senapati, he preaches in the shape of a Senapati; to those who are to be converted by assuming,

a Brahman, he preaches in the shape of a Brahman; to those who are to be converted by Vagrapani, he preaches in the shape of Vagrapani."

This extract shows how adroitly Buddhism was mixed up with the prevailing philosophy and superstitions of India, the series of approximations or advances by which it completed its amalgamation with Hinduism. The same accommodating policy was pursued in all the countries, small or great, in which this Protean system spread; and it was, therefore, as a religion intermingled with every form of faith professed in Asia, from flighty transcendentalism down to grovelling superstition, that it succeeded in propagating itself. The propagation of Buddhism has been invested with the significance attached to the early promulgation of Christianity; but it has been overlooked, that while our holy religion fought its way to victory and ascendency, through obstinate opposition stirred up by its avowed and uncompromising antagonism to the prevalent forms of faith, Buddhism spread itself by losing its idiosyncrasy, allying itself with opposing creeds, and steadily carrying out a policy of suicidal compromise and concession. A flexible creed in conjunction with a lax accommodating principle of propagandism is the secret of the success of all philosophico-moral creeds, from Buddhism and other cognate systems of the ancient world, down to Brahmoism and other cognate systems of these days!

This brief sketch of the tortuous way in which Buddhism developed into a religion or rather a farrago of conflicting faiths, may be denounced as having but a remote and shadowy connection with the subject of this paper; but its importance will be admitted by those who look upon it as an argument, discursive indeed but not the less conclusive, in favor of our position, that Buddhism, as originally preached by its founder, was a morality, rather than a religion. Even Max-Müller represents the revolution it initiated, if not accomplished, during the lifetime of its author, as a social and moral, rather than a religious revolution. 'Its tone was like that of theosophy in these days: a tone of conciliation and tolerance, nay, even of praise and flattery; but as it had not a religion fitted to stir up the natural hostility of the human heart to things heavenly and divine in its way, its career was thoroughly consistent with its professions. It called attention to a new or revived scheme of social regeneration, which might work its wonders under cover, so to speak, of every shade of theological belief, or every form of religious practice.

But we now come to our text—Buddha as a moralist. The scheme of morality propounded by Buddha has, like his character, been made the subject of indiscriminate, extravagant

eulogy. Max Müller thus speaks of it in his essay on Buddhism in the first volume of his "Chips from a German Workshop":—"The most important element of the Buddhist reform has always been its social and moral code, not its metaphysical theories. That moral code taken by itself is one of the most perfect which the world has ever known." Edwin Arnold in his poetic-prose, or prose demanding as much license as poetry, thus speaks of Budha's doctrine:—"In point of age, therefore, most other creeds are youthful compared with this venerable religion, which has in it the eternity of a universal hope, the immortality of a boundless love, an indestructible element of faith in final good, and the proudest assertion ever made of human freedom."

From this lofty table-land of glowing panegyric let us come down to the sobriety of tone and nicety of discrimination with which the moral teaching of Buddha is praised by writers like Hardy and Bigandet. Beal in his translation of the Dhammapada thus records the opinion of the former:—

"Mr. Spence Hardy has observed that a collection might be made from the precepts of this work, that in the purity of its ethics could scarcely be equalled from any other heathen author." The latter observes in his preface to the first edition of his work "The Legend of Gaudama":—"Though based upon capital and revolting errors, Buddhism teaches a surprising number of the finest precepts and purest moral truths. From the abyss of its almost unfathomable darkness, it sends forth rays of the brightest hue."

We occupy the lower of these two platforms of commendation, and we hope to prove in this paper that the morality taught by Buddha is, not merely imperfect as his character, but *essentially monastic*, and therefore unsocial and unearthly. But one or two points in connection with his teaching ought to be noticed before we present our array of quotations and proofs in favor of this assertion.

And the first of these is indicated by the question—What was Buddha's attitude towards the caste system which was being organized and solidified in his age? Did he declare a war of extermination against the growing monster, and substitute for it the grand doctrine of the essential unity and brotherhood of man? At first sight it would seem that he did. The Buddhist account of the fall of man is fitted to set forth the essential unity of the race. At the commencement of the present collocation of things or the mundane system, the Brahmas of etherial regions came down, when the fruits of their work had been exhausted, and appeared on the stage of human history, "produced by apparitional birth." They were sinless and happy; they subsisted

without food, and their bodies, free from the germs of disease and death, were radiant with a supernal glory, such as rendered the creation of a centre of light—such as the sun or the moon—unnecessary. But one of these blessed individuals ate in an evil hour a little of "a peculiar substance like the scum that arises upon the surface of boiled milk," which had appeared on the surface of the globe. The others followed his example, and the whole set fell, and lost the peculiar radiance of their ethereal bodies, and became subject to disease and death. Then they assembled to create the sun, moon and the five planets to illuminate the world by day and by night; and this they were enabled to do "by their united Karma." They began, moreover, to eat with different degrees of avidity other terrene productions, and thus introduced that variety of colors which has been a perennial source of race-antagonism and class animosity in this world. Then arose amongst them squabbles and fights, to obviate which they made one of their number their king, and called him Kshatriya, "and his descendants retained the same appellation." To suppress, however, the crimes which were still committed, the caste of Brahmans was organized, the word Brahman meaning, according to the atheistic interpretation of Buddhist documents, "suppressors." And finally those who were "skilful in arts" formed the Vaisya caste, and those who were "addicted to hunting" constituted the Sudra caste. The essential difference implied in the evolution of the castes from the higher and lower portions of the Divine Body, or the higher and lower elements of the Divine Substance, is denied in this account presented in Hardy's "Manual of Buddhism."

Again, in some of the utterances ascribed to Buddha, caste-distinction is not recognized, but declared to be incompatible with the spirit of his faith. "As the four rivers which fall in the Ganges lose their names as soon as they mingle their waters with the holy river, so all who believe in Buddha cease to be Brahmans, Kshatriyas, Vaisyas, and Sudras." Again—"Between a Brahman and a man of another caste, there is not the same difference as between gold and a stone, or between light and darkness. The Brahman is born of a woman, so is the Chandala. If the Brahman is dead, he is left as a thing impure, like the other castes. Where is the difference?"

Quotations, moreover, may be multiplied to show that Buddha, in his dispensation of rewards and punishments within the precincts of his Order or Church, was guided by a scrupulous regard to what constitutes *essential*, in contradistinction to *accidental* difference.

But it ought not to be forgotten that Buddha did not fight a crusade against the caste rules of the country—he only set

his face against their introduction into his own Order. Nay, his lay-disciples were left in caste chains, as well as in varieties of other chains, unmolested or intact. The spirit of cautious opposition, not uncompromising antagonism, by which he was animated, is revived in the Brahmo Church, where, while the ordinary members are at liberty to conform to caste rules and wear caste badges, the initiates are required to cast them aside.

Nor ought it to be forgotten that in setting aside caste-distinctions within the precincts of a monastic order, Buddha did not oppose or rise above the ancient traditions of the country. Since the beginning of days, the mendicant orders in India have been organized on principles looked upon as positively dangerous within the framework of general society; and the foremost of these principles is non-recognition of caste-rules and distinctions. The phenomenon of small coteries of recluses professing sceptical principles, and laughing at established institutions, under the shade and with even the consent of the national faith, has never been rare in this country.

In his opposition to the caste-system Buddha, as a recluse, was no innovator. Perhaps his opposition was partial, not wholesale, directed against the growing ascendency of the Brahmanical caste, with which his own caste was evidently competing, or rather, contending for supremacy. He often represented his own caste as superior to the sacerdotal, and he sanctioned some degree of caste-pride when he placed the Buddhahood beyond the aspirations and attainments of any but a member of the first two castes. Our authority for this statement is Hardy, who, in his "Legends and Theories of the Buddhists" says—"We can scarcely think that one who set himself so strongly against the pretensions of caste, would render to it the greatest homage in his power, by declaring that the Buddhas are always born of the two highest castes, the Kshatrya and the Brahman."

The second point worthy of notice is indicated in the question—What was Buddha's source of revelation? His source of revelation was intuition, rather than the Veda, which he repudiated on the ground on which the New Testament is set aside by Mussulmans, *viz.*, the corruption of the text by interpolation and expurgation. He could not, of course, look upon it as a divine revelation tampered with by profane hands; but he was disposed to identify the essence of it with that Law, the eternity and immutability of which he maintained, and which he discovered, not by a careful study of the book and a rigid application thereto of the approved canons of criticism, but by meditation. Max Müller identifies Buddha with the mystics of our own and other lands, who professed to see God in a state of elevation and ecstasy to which they had been

raised by subjective meditation; but surely there is no ground for such identification. Buddha certainly claimed immediate cognition of the principles of his Dharma, and estatic vision of etherial and even infernal spirits; but he never professed to see a being whose existence he did not believe in, and the current theory regarding whom he was disposed to throw beyond the pale of scientific investigation into the region of inscrutable mysteries. He sometimes spoke of Brahma or Sakra, and professed to hold intercourse with him; but Brahma was, in his opinion, merely the king of the heavens, who had begun to live and was destined to die; not the eternal, unchangeable Being called God. Brahma, moreover, was represented by him as inferior to himself in knowledge, power, and approximation to the blessed state of Nirvana!

His entire system was evolved from his inner consciousness; and if he had only confined himself to moral teaching, and left history, chronology and science intact, as well as theology, his position would have been unassailable, to a great extent, if not completely. But he claimed universal knowledge, and evolved scientific, as well as moral truths from his inner conciousness; and the result was, that he combined with maxims of pure morality, errors the most grotesque and extravagant. Read the following explanation of "a mighty earthquake," given in *Maha-Parinibhana-Sutta*:—

"Eight are the proximate, eight the remote causes, Ananda, for the appearance of a mighty earthquake."

"What are the eight?"

"This earth, Ananda, is established on water, the water on wind, and the wind rests upon space. And at such a time, Ananda, as the mighty winds blow, the waters are shaken by the mighty winds as they blow, and by the moving water the earth is shaken. These are the first causes, proximate and remote, of the appearance of a mighty earthquake."

Then follow a specific statement of the ways in which earthquakes are produced, by beings endowed with supernatural powers, by meditation, and of the times and seasons when they must occur, such as the birth of a Buddha, his attainment of Buddhahood, his death, &c.

Read also the following explanation of an eclipse of the moon given by Buddha himself in the *Sanyutta Nikaya, Saha Gatha Wagga*, and translated by Hardy:—"Thus I heard. Bhagawa was living in Swathi, in the garden Anatha Pindako. At that time the Moon-God was seized by the Asura Rahu. Then the Moon-God, remembering Buddha, spake this stanza: 'Adoration to thee, great Buddha! Thou art free from all impurities. I am distressed. Become thou a refuge to me.'"

What would have been the attitude of the modern world if any thing answering to a mistake like this had escaped the lips of our Lord and his apostles? How many heads would have shaken! How many fingers stretched forth in derision; and how many tongues let loose!

One point more, and our prepatory discourse is over. Buddha's method of teaching morality is simple and dignified, and reminds one of that adopted by our Lord. Like Christ, Buddha looked upon nature as a granary of symbolism, and brought out of its rich stores a beautiful array of imagery, or a garland of analogies fitted to illustrate the truths he had to teach; and like Christ, he looked upon the most ordinary events, or the driest details of life, as fraught with parabolic significance. Buddha scarcely saw a thing which he did not present as an apt emblem of a feature of the great truth he preached. A blazing fire reminded him of the lust which burns within the human heart; a dashing torrent suggested to his mind the headlong precipitancy with which man rushes to destruction; a solid rock typified the constancy of the firm believer, and a still lake spoke to him of the sweet tranquility of a soul emancipated from the raging thirst of life. He could not see an elephant guarding, or failing to guard his trunk, without calling attention to the necessity of guarding the human tongue; he could not see an umbrella spread without calling upon wandering man to take refuge in himself and the Law. He could not smell the sweet odour of a flower without speaking of the fragrance of virtue; he could not hear the melody of sweet-singing birds without emphasizing the harmony of an emancipated spirit. Like all great men, he looked at nature with the eye of a poet; and if he had not been entangled in the net of metaphysical subleties, he would have seen the power of God, where he actually saw nothing but the operation of blind force.

His parables have been praised, and compared to those uttered by Christ. But the interval that separates them cannot be better presented, than by simply transcribing a couple of Buddha's parables, one from Davids' little volume on Buddhism, and the other from *Tevigga-Sutta*. "The first is the Parable of the Sower."

"In another of these stories which is before us, in three versions, from the Pali, Sinhalese, and Burmese respectively, we find the processes of agriculture worked out into an elaborate allegory. A wealthy Brahman, named Bharadvaja, was holding his harvest home when the Teacher comes and stands by with his bowl. Some of the people went up and paid him reverence, but the Brahman was angry, and said, 'Sraman (*i. e.*, mendicant,) I plough and sow, and having ploughed

and sown, I eat; it would be better if you were, in like manner, to plough and sow, and then you would have food to eat'?

"'O Brahman,' was the answer, 'I too plough and sow, and having ploughed and sown, I eat.'

"'You say you are a husbandman; but we see no signs of it,' said the Brahman. 'Where are your bullocks, and the seed and the plough?'

"Then the Teacher answered, 'Faith is the seed I sow, and good works are as the rain that fertilizes it; wisdom and modesty are the parts of the plough, and my mind is the guiding rein. I lay hold of the handle of the Law; earnestness is the goad I use; and diligence is my draught ox. Thus this ploughing is ploughed, destroying the weeds of delusion. The harvest that it yields is the ambrosia fruit of Nirvana, and by this ploughing all sorrow ends.'"

The following is taken from *Tevigga-Sutta*, and is entitled by the translator thus—"Man in Love."

"Just, Vasettah, as if a man should say, 'How I long for, how I love the most beautiful woman in this land!'

"And people should ask him, 'Well! good friend! This most beautiful woman in the land whom you thus love and long for, do you know whether that beautiful woman is a noble lady or a Brahman woman or of the trader class or a Sudra?'

"But when so asked, he should answer 'No.'

"And when people should ask him, 'Well! good friend! this most beautiful woman in all the land, whom you so love and long for, do you know what the name of that beautiful woman is, or what is her family name, or whether she be tall or short, dark or of medium complexion, black or fair, or in what village or town or city she dwells?'

"But when so asked, he should answer 'No.'

"And then people should say to him, 'So then, good friend, whom you know not, neither have seen, her do you love and long for?'

"And then, when so asked, he should answer, 'Yes.'

"Now what think you, Vasettha? would it not turn out that being so, that the talk of that man was foolish talk?

"'In sooth, Gotama, it would turn out, that being so, that the talk of that man was foolish talk?'"

So far as the mere setting of Buddha's parables is concerned, some of them may be placed even above the parabolic utterances of our Lord; but in clearness of diction, naturalness of analogy, range of thought, and depth of meaning, they are decidedly behind these. And besides a parable like that of the lost sheep, or the lost piece of silver, or of the prodigal son, human genius has never been able to conceive in thought or clothe in language!

Now, adverting to the morality proper of Buddha, a demarcating line ought to be drawn between its *essential elements* and its *accidental appanage*, before its real merit or demerit can be discovered and set forth. And it is because learned writers on the subject have failed to emphasize this distinction, that they have spoken in extravagant terms of praise of a scheme of morality which is, in its essence, nothing more or less than gloomy and repulsive monasticism.

The external appendage of the morality taught by Buddha is the moral code framed for the regulation of the domestic life and affairs of his innumerable lay-disciples. There is nothing very remarkable in that code, nothing fitted to set forth originality of thought, grandeur of conception, or energy of expression; and there is something in it savouring of puerility and nonsense, if not naked absurdity. But the code may nevertheless be justly pronounced humane and beneficent. The relative duties of domestic and social life are indicated with categorical conciseness of thought and expression; and the virtues of patience under trial, forbearance towards adversaries, and benevolence towards all, are taught and enforced. The only defect in it is its failure to discriminate between principles and rules, and its inclusion in a summary of moral principles what is properly placed under the head of sumptuary regulations. For instance, the relative duties of husband and wife are thus summarized :—

The Husband should cherish his Wife,

1. By treating her with respect.
2. By treating her with kindness.
3. By being faithful to her.
4. By causing her to be honored by others.
5. By giving her suitable ornaments and clothes.

The Wife should show her affection for her Husband,

1. She orders his household aright.
2. She is hospitable to his kinsmen and friends.
3. She is a chaste wife.
4. She is a thrifty house-keeper.
5. She shows skill and diligence in all she has to do.

All this reads like a statement of rules rather than of principles. The New Testament determines these and other reciprocal duties, in such directions as these :—"Husbands love your wives," "Wives be obedient to your husbands;" and it raises the ideal of married life by holding it up as a symbolic representation of the mystical union between the Church and her Lord.

Again, parents are directed, not merely to give their children a suitable education, and to look after their morals, but to "provide them with suitable wives or husbands," and "give them their inheritance" Pupils are directed to honor their teachers by (1) "rising in their presence" (2) "ministering to them;" (3) "obeying them;" (4) "supplying their wants," as well as by paying proper attention to their instruction.

The directions laid down for the treatment of servants, or perhaps slaves, are worthy of being reproduced at a time when maltreatment of servants is the rule, not the exception, in our country.

The Master should provide for the welfare of his dependents.

1. By apportioning work to them according to their strength.
2. By supplying suitable food and wages.
3. By tending them in sickness.
4. By sharing with them unusual delicacies.
5. By now and then granting them holidays.

But it is not at all necessary to set forth the praiseworthy features of this outer court of Buddhist morality, this code intended for persons who are called Buddhists only by courtesy, and who are entirely outside the pale of the salvation or deliverance preached by Buddha. An inferior species of salvation is, doubtless, allowed them, according to immemorial usage; but from deliverance from the evils of existence, from disease, and death, and sorrow, they are almost as thoroughly debarred as those who look upon Buddha as an impostor, and his system as a sham and a delusion. Family life, according to every principle of Buddhistic philosophy, is a hindrance, the most effectual conceivable, to growth in self-mastery and self-extinction, the virtues fitted to pave the devotee's way to *Nirvana*. In the *Tevigga-Sutta* we have this emphatic declaration:—"A householder, or one of his children, or a man of inferior birth, in any class, listens to that truth. On hearing the truth he has faith in the Tathagata (Buddha), and when he has acquired that faith he thus considers with himself.—'Full of hindrances is household life, a path defiled by passion, free as the air is the life of him who has renounced all worldly things. How difficult is it for the man who dwells at home to live the higher life in all its fulness, in all its purity, in all its bright perfection! Let me then cut off my hair and beard; let me clothe myself in the orange-colored robes, and let me go forth from a household life into the homeless state!'—Then, before long, forsaking his portion of wealth, be it great or be it small; forsaking his circle of relatives, be they many or be they few, he cuts off his hair and beard, he clothes himself in the orange-colored robes, and he goes forth from the household life into the homeless state."

The paragraph following, shows that the devotee becomes happy only in this stereotyped way, that is by renouncing family life, in imitation of the example set by Buddha himself, and practising the rigid rules of the Order. In the same book we are told that between "the Brahmans in possession of wives and wealth" and the "Brahman who has none of these things," there cannot be any "agreement or likeness."

In the *Saddharma-Pundarika*, two young princes are introduced as addressing their mother in this strain.—"Allow us, oh mother, to go forth from home and to embrace the houseless life; ay, we will become ascetics, for, rare to be met with is a Tathagata." Instances of this description may be multiplied almost *ad-infinitum*.

Again, the members of the Order are not merely directed to look upon family life as dangerous, but to scrupluously abstain from sensuous pleasures, though of the most innocent kind. They are directed to look upon the senses as a "chain," a drag on spiritual life, of which the best thing they can do is to get rid unreservedly and entirely. In *Tevigga-Sutta* we have this principle indicated in the following bits of a long dialogue, reported between Buddha himself and Vasettha :—

"In the same way, Vasettha, there are five things leading to lusts, which are called in the Discipline of the Noble One a 'chain' and a 'bond.'

"'What are the five?'

"Forms perceptible to the eye; desirable, agreeable, pleasant, attractive forms, that are accompanied by lust and cause delights. Sounds of the same kind perceptible to the ear. Odours of the same kind perceptible to the nose. Tastes of the same kind perceptible to the tongue. Substances of the same kind perceptible to the body by touch. These five things predisposing to passion are called in the Discipline of the Noble One, a 'chain' and a 'bond.'"

But not only are the senses to be shaken off as encumbrances, but the entire body itself is to be considered a prison-house, and deprecated. In the *Ketokhila-Sutta* (as translated by Rhys Davids in vol. xi of "Sacred Books of the East") we have this statement :—"And further, O Bhikkus, when a brother has not got rid of the passion for a body, has not got rid of the desire after a body, has not got rid of the attention to a body, has not got rid of the thirst for a body, has not got rid of the fever of a body, has not got rid of the craving after a body."

"Whatsoever brother, O Bhikkhus, has not got rid of the passion for a body, has not got rid of the desire after a body, has not got rid of the attraction to a body, has not got rid of the fever of a body, his mind does not incline to zeal, exertion, perseverance, and struggle."

And they are required to obey rigidly the following ten commandments, the Buddhist's Decalogue :—

1. Not to take life.
2. Not to take that which has not been given.
3. Not to commit fornication.
4. Not to speak falsely.
5. Not to take intoxicating drinks.
6. Not to eat after midday.
7. Not to attend theatrical amusements, nor to adorn the body with flowers and perfumes.
8. Not to sleep on any soft material, beyond a mat spread on the ground.
9. Not to use high seats and couches.
10. Not to wear gold or silver.

What an odd mixture of the sublime and the ridiculous! A few eternal and immutable principles of rectitude placed in juxtapostion with rules factitious and even childish!

But let us confine our attention to the first five, which are represented as *par excellence* the precepts of Buddhism. Each of them is guarded by a network of casuistical interpretations and rules, and two of them, at least, are carried to a preposterous length; while the last ought to come under the heading of sumptuary laws, rather than of moral principles. The command 'not to kill' includes not only human beings, but all kinds of animals, and even varied forms of vegetable life; as the virtuous man is described as one, who not only keeps aloof from what the modern world calls deliberate murder, but drinks filtered water to avoid the possibility of killing little insects, and never dreams of destroying even a herb!

The third precept militates, not only against what is now understood by adultery and fornication, but, as regards the Order, the members of which have to take, like Jesuit Missionaries, the vows of chastity, poverty and obedience, sexual intercourse of every description, legitimate or illegitimate. The male members of the Order were not merely to be misogamist, but in a sense misogynist: they were to scrupulously shun all intercourse with females, and regard them as venemous reptiles, sure, when encouraged, to bite them to spiritual death. Buddha's directions with reference to such intercourse are thus given in the *Maha-Parinibbana-Sutta* :—

"'How are we to conduct ourselves, Lord, with regard to womankind.'

'Don't see them, Ananda.'

'But if we should see them, what are we to do?'

'Abstain from speech, Ananda.'

'But if they should speak to us, Lord, what are we to do?'

'Keep wide awake, Ananda.'"

Buddha, though disposed to raise women a little, and though persuaded by friendly counsel and reasoning (but, as he contended, against his better judgment) to favor their admission to the Order, could not emancipate himself from current views about them, and looked upon the slightest approximation to a pleasant intercourse between the sexes as fraught with danger. The progressive women of the day, who are willing to repeat the creed, "There is *no*-God and Harriet Martineau is his prophet," and who stand up for the complete obliteration of all distinction between the sexes, ought to look into the position woman occupies in Buddhistic records before praising Buddhism. Here is a statement of the reason why Rucha "was only a woman."—(Hardy's Manual.)

"Fourteen births, previously, she was a nobleman, but an adulterer. In the next birth she was again a noble, through the power of previous merit, and gave much alms. But when she died, she had to leave the merit thus acquired, like a mine of wealth hidden in the ground, and for her previous demerit she was born in the Romra hill, where she remained 2880 Kotis of years. She was next born a vigorous ram in the country called Bhenunka; so powerful, that the shepherds taking it by the four-feet, threw it on the ground, and deprived it of its virility; which was the punishment of her former deeds. Again, she was a monkey and a draught bullock, in both of which births she had to suffer the same punishment, and was then born among savages, and was neither a male nor female. After this she was the devi of Sakra; then the wife of a libertine; and last of all, the daughter of the king." This good lady was anxious to cancel her past guilt by good deeds, so as to be born a man. and thereby come within the precincts of the complete rest of Nirvana!

But the greatest of the five crimes prohibited by the five precepts is drinking. One of the records translated by Hardy thus speaks of this crime:—Of the five crimes, the taking of life, theft, adultery, lying, drinking, the last is the worst. Though a man be ever so wise, when he drinks he becomes foolish, and like an idiot; and it is the cause of all other sins. For this reason it is the greater crime." The crime, however, appears in different degrees of intensity or heinouness. The same record says:—"When only so much toddy is drunk as can be held in the palm of the hand, it is a minor offence; it is a greater when as much is drunk as can be held in both hands; and a greater still, when so much is drunk that all things appear to be turning round."

Surely the country is indebted to Buddhism for one great revolution. Dr. Banerjea speaks, in one of his well-known works, of the Aryan schism, the schism which led to the

ultimate disseverance of the two kindred races or peoples, the Aryans and the Iranians. The cause of this big squabble was drink. The Iranians, who abhorred drink, separated themselves from the Aryans who loved drink. But the intervening ages have completely turned the tables, so that to-day the Hindus are a wine-hating, and the Parsees a wine-loving people—barring of course, the results of the encouragement given to the red-eyed goddess by modern civilization with its never-ending stream of brandy and soda-water. This salutary revolution was accomplished by the impetuous and undiscerning earnestness with which Buddha and his followers placed drinking among the prohibitions or, as a great divine calls it, the "shalt-nots" of the moral law. Muhammad was guilty of similar weakness when he included "fleeing from the battle-field" in the category of his "great sins" *(gunah-kabira)*, in the category of deadly sins like murder, adultery and theft.

We believe that the champions of Teetotalism in these days, whose number happily is daily increasing, are destined to accomplish, in civilized but wine-cursed lands, a revolution as grand, and as decidedly fraught with beneficent results as that initiated in our country by Buddhism. But if these leaders of a good cause were led by blind zeal to add a clause to the Decalogue to the effect—Thou shalt not drink wine or spirits, we should be disposed to repeat the well-known verse: "If any man shall add unto these things, God shall add unto him the plagues that are written in this book."

But are not the minor defects of the Buddhistic code of morals to be forgiven and forgotten in view of the facts that it inculcates and enforces universal benevolence? Buddhism is certainly overladen with fiction, superstition and error; but does not its animating spirit of boundless love make amends for whatever of absurdity may have been associated with, or heaped upon, it? Rhys Davids in his "Buddhism" concludes his brief but graphic sketch of the defects as well as excellencies of the system with these words:—"Thus it was, that while most of the superstition and folly which had encrusted the ancient faith was repudiated and ignored; its beauty, and poetry, and truth were first ennobled and spiritualized, and then made subservient to that life of self-control, wisdom and universal charity, which Gautama declared to be the highest aim and the highest happiness of man." This great authority emphasizes the fact, that Buddhism grasps and upholds the correct principle of overcoming evil by good both in our own selves, and in our intercourse with our fellow-men or fellow-creatures in general. The faults of thought and disposition, whatever they may be, whether of an aggravated or of a

venial type, can be corrected only by a careful and scrupulous cultivation of the opposite virtues. For instance, pride can be gradually mortified, and ultimately extinguished by thoughts of, longings for, and earnest seekings after, humility; hatred can be removed from the human heart only when it is chased out of it by love.

Buddha certainly commanded his followers to emancipate themselves from the prevailing faults of their character by a sedulous cultivation of the opposite virtues; they are exhorted to mature in their hearts the virtues of compassion, sympathy and love, by meditating on the sorrows of humanity. The true follower of Buddhistic principles is described in these verses in *Tevigga-Sutta*:—

"And he lets his mind pervade one quarter of the world with thoughts of Love, and so the second, and so the third, and so the fourth. And thus the whole world, above, below, around, and everywhere, does he continue to pervade with a heart of Love far-reaching, grown great, and beyond measure.

"Just Vasettha, as a mighty trumpeter, makes himself heard—and that without difficulty—in all the four directions; even so of all things that have shape or life, there is not one that he passes by or leaves aside, but regards them all with mind set-free and deep-felt love.'"

On this feature of Buddhistic morality we have two or three remarks to make: Our first remark is, that universal love cannot be generated in the way indicated. We cannot possibly meditate or school ourselves into universal love, or produce it in our hearts by self-control or self-exertion. Buddha laid the axe to the very root of virtue, when he cut it off from its source of vitality, *viz.*, divine grace, and made its growth contingent on human exertions. He rang the death-knell of morality, when, after alluding to his approaching death in pathetic language, he exhorted his disciples in these words:—*(Maha-Parinibbana Sutta.)*

"Therefore, O Ananda, be ye lamps unto yourselves. Be ye a refuge unto yourselves. Betake yourselves to no external refuge. Hold fast to the truth as a lamp. Hold fast as a refuge to the truth. Look not for refuge to any one besides yourselves."

> "My age is now full ripe, my life draws to its close
> I leave you, I depart, relying on myself alone!
> Be earnest then, Oh Brethren, holy, full of thought!
> Be steadfast in resolve! keep watch o'er your own heart!
> Who wearies not, but holds fast to this truth and law,
> Shall cross this sea of life, shall make an end of grief."

Virtue, in the proper sense of the term, virtue of which the vital principle is love, is the resultant of two coincident and

co-operative forces, divine grace unfolding, nourishing, invigorating and fructifying human exertion. But Buddha cast overboard the main factor, and literally killed morality ; though, as a branch retains its verdure for a time even after its separation from the parent stock, it gave signs of life in his day, and for a short period after his death. Buddha appears in the existing records as a type of sympathy, compassion and love,—but the representation should be traced to posthumous veneration and mythœpic spirit. If it could be proved that Buddha actually claimed to have succeeded in schooling himself into universal love by self-restraint and meditation, we should be compelled, by philosophic or argumentative fairness, to impugn his veracity, as we are when we have to face his claim to universal knowledge, or insight into his supposed past stages of existence!

Our second remark is, that self-dependence or self-sufficiency, which may be represented as the pre-condition, if not essence of virtue according to Buddhistic belief, cannot co-exist with universal love. Self-control or self-mastery when attained by self-exertion cannot but beget pride, while the humility, without which universal love cannot exist, presupposes self-abasement, not self-glorification, self-loathing, not self-sufficiency.

And lastly the aim of Buddha's moral teaching is *not* universal love, but perfect equanimity, a mind inclined neither towards virtue nor towards vice, neither towards love nor towards hatred. If universal love is inculcated and enjoined, it is also represented as an inferior thing, to be cast aside before the goal of insensible repose is reached. Read the following verses of the *Dhammapada* as translated by Max Müller :—

"Let no one ever look for what is pleasant or unpleasant. Not to see what is pleasant is pain ; and it is pain to see what is unpleasant."

"Let therefore no man love anything. Loss of the beloved is evil. Those who love nothing and hate nothing, have no fetters."

"From love comes grief; from love comes fear. He who is free from love knows neither grief nor fear."

The aim of Buddha's self-renunciation, in the grosser sense of the term, that is renunciation of the splendours and pleasures of life, self-control and self-mastery, was *self-deliverance from pain*, an object too selfish to foster in his heart any disposition like genuine philanthropy or disinterested benevolence. Whatever enthusiasm of humanity he showed is to be traced, like the vaunted humanitarianism of modern Comptists, to intensity of intellectual conviction, rather than of moral feeling!

Edwin Arnold sees in Buddhism "the eternity of universal

hope," "the immortality of a boundless love," "an indestructible element of faith in final good," and "the proudest assertion ever made of human freedom." We have shown that in Buddhism we find perfect quiescence, stolid equanimity, passionless lethargy, and complete extinction of intellectual energy and moral earnestness, instead of "boundless love." In the next paper we hope to show that "the hope" fostered by Buddhism is gloomy, paralyzing, deadening despair, and that the "final good" anticipated by well-read Buddhists is *annihilation*, or at least extinction of thought, feeling and consciousness. The panegyrist is right in representing Buddhism as "the proudest assertion ever made of human freedom." According to this system, man is his own Saviour, and all his help comes from within, not a particle from without. The late Pandit Dya Nand Saraswati used to say, that if man could sin of his own accord, he could also save himself from sin by the strength of his unaided will; and the modern disciples of Buddha are unanimous in upholding this principle of self-evolution. But experience gives the lie to this principle, and consequently Buddhistic morality, if judged by the precise standard of experimental science would be found wanting!

RAM CHANDRA BOSE.

ART. IV.—THE SIEGE OF CAWNPORE AND LORD CANNING'S ADMINISTRATION.

THERE is an unpretending pamphlet, which has very recently been published, entitled "The Tourist's Guide to Cawnpore and Lucknow*" which brings back to the writer some memories of the time when the dark shadow of the Mutiny was over India. There are few who were in Cawnpore then, and who are now living to tell of the disasters which befel the residents in the neighbouring stations—and of the horrors of Cawnpore. Visiting Cawnpore after many years, in a professional capacity, the other day, many of the old scenes re-called themselves: the Memorial Well, "sacred to the perpetual memory of the great company of Christian people, chiefly women and children, who were cruelly massacred by the followers of the rebel Nana Dhoondoo Punth of Bithnoor;" the Memorial garden, to which no natives are now allowed without the special sanction of the authorities, and the Memorial church, which stands on the site of the entrenchments, chronicled with the blood of that heroic garrison, whose memory it was raised to perpetuate.

Since the writer, some years ago, visited Cawnpore, it has not changed much: there are the same roads, with the dust of ages, the same ravines, painfully reminding the visitor of the appearance it presented years ago, the same wild and desolate appearance. The river winds on with the same tranquility as it did years ago, but its channels are narrower now than they were before the canals were constructed; the Railway bridge, spanning the river, is, however, a construction of recent times, and speaks well for the design and the engineering skill of those who constructed it. No place in India reminds the traveller or the tourist more forcibly of the Mutiny than Cawnpore.

When the Mutiny broke out, our English army was at its weakest. The country, which had so long shown signs of peace, was all of a sudden convulsed to its heart's centre. Although protected in the Hooghly by the shipping, which represented the commercial might of great Britain at the Indian capital, Calcutta shared in the panic which had spread so suddenly over all parts of India. There was, indeed, no great occasion

*The Tourist's Guide to Cawnpore and Lucknow: Published by Messrs. Shircore & Co., 1886, which the writer accidentally saw at the Military and Civil Service Hotel.

for any alarm at Calcutta ; but the European residents, being so few in number, as compared with the vast native population of that city, might have been excused for sharing in the panic. Merchants' assistants, and office clerks went about with revolvers in their carriages. Native servants were taught by their masters to discharge rifles, to load quickly, and to fire low. English families sought refuge in Fort William and in the ships which were anchored in the river, and every Englishman who could use arms, provided himself with a rifle or a double-barrelled fowling piece. There was a general sense of insecurity prevailing throughout the capital, and every native regiment was looked upon with suspicion, and dreaded as traitors and rebels. Emergency Meetings were called. The Trades Associations, and the Chamber of Commerce, the Freemasons, and Political Associations, were not slow in addressing the Governor-General, and tendering their services in support of law and order. Those offers were accepted, and a volunteer service was soon organized for the defence of the city. Despatches were forwarded also to Lord Elgin at Singapore, and the immediate aid of the four English regiments destined for service in China, was requested. The chastisement of the rebels at Canton might well have been postponed for a few months. The safety of the Indian Empire could not be risked for a day. The aid applied for, was granted. The alarm in Calcutta subsided, and men once again betook themselves to their ordinary occupations.

At Simla, wild rumours gained credence, that the Goorkhas from Nepal meditated an immediate invasion of those favourite snow clad retreats. Delhi, in anticipation, saw its old and worn king, Bahadur Shah, once more enthroned in the seat of the Mogul.

The foremost of the mutinous regiments, that had first spread the seeds of rebellion at Barrackpore and Berhampore, and which had set fire to the Cantonments of Agra and Allahabad, were in possession of that city. The Civil and Military Cantonments of Agra were burnt to the ground. The Fort of Agra,—its turreted sides flanked with red sandstone, once the favorite residence of the Emperors of Delhi,—afforded shelter to the handful of brave men and women who rallied round Mr. Colvin, who was then Lieutenant-Governor, a gentleman, possessing a subtle and refining intellect, strong enough to be at the helm during times of peace, but who broke down under the strain of the new difficulties which had confronted him so unexpectedly. Allahabad almost fell : but its fort, like that of Agra, even though slenderly garrisoned, proved invulnerable to the rebels. Cawnpore added a dark page, with its story of deceit and blood, to Indian History. Gwalior forced its contingent to

mutiny. The residents of Indore and Bhurtpore, had to seek safety in flight. The English at Nagpore slept nightly in its hill fort. The native political capital of Jeypore and Hyderabad, however, shewed no signs of overt disaffection. The army of Bombay, which had no Pandies in its ranks, and the army of Madras, which is largely Christianized, stood firm. The Sikh soldiery, the largest element in the army of the Punjab, who were always hostile to the Bengal army, which they never thoroughly forgave for aiding the British forces in subjugating the country of the five rivers, were, from the first, entrusted with the task of recapturing Delhi. No one looking upon those few months, from March to September, so pregnant with a great and sombre future, could not have foreseen the terrible chain of events which succeeded each other rapidly. The residents at English stations, lived as usual, oblivious of coming events.

They hunted as usual; they dined, they danced, they filled up the time in the evening with the usual meaningless gossip at the band-stand, or at the carriage-drives; they speculated on the chances of promotion. They grumbled at the heat of the weather, or chatted of the prospects of spending the summer at Simla or Landour; or discussed eagerly the rapid chances of official promotion.

But few, indeed, were there who could foresee the Mutiny. As yet the stories told which had gained credence from being narrated in English papers, of houses being burnt at different stations, were ascribed to isolated acts of incendiarism.

No one yet dreamt that in that smooth mass of sable faces which met their gaze during morning and evening parade, there lurked concealed, under a stolid and meaningless exterior, a bitter and treacherous hatred to the English race. How it was that the agricultural masses, who formed nearly the entire population of India, after having enjoyed for nearly a century the blessings of good government, should have been found arrayed against order and law? how it was that a simple military revolt should have merged into a national revolt? how it was that the entire machinery of Government; recently so perfect and so entire, should in a few brief months have been so rapidly disorganized? how the Indian Empire should have been on the verge of dissolution,——must always prove an interesting problem to the essayist and the historian. Nor does the question admit of an easy solution. So confused were the events and so little plan or combination was displayed, that the efforts made everywhere, like the variegated threads in shot-silk, had to the observer an ever glancing and changing aspect. Great events spring from trifles. Every one remembers Voltaire's sarcastic taunt: "The revolution

which brought about the Treaty of Utrecht, which displaced Marlborough, which changed the destinies of Europe for a time, might be traced to Mrs Masham's anger, occasioned by the Duchess of Marlborough, accidently overturning a cup of coffee on her brocade." That trenchant sarcasm, contains much serious truth. The springs of great rebellions are too often found, in the recesses of a few designing hearts.

Originating in the purlieus of the palace of Delhi, the Indian rebellion had been participated in by those Mohammedan classes, which the almost prophetic pen of Napier described, as the inveterate enemy to Anglo-Saxon progress; by a very large class of native officials; and by all that class of turbulent spirits who have nothing to lose and everything to gain by anarchy and confusion. The means were found in the weakness of the army system. Regiment after regiment had been deprived of officers, who had enlisted in staff appointments, in offices of magistracy, in Civil Service berths, in every opening which offered a higher emolument. To many a Regiment but few officers remained. Those that were with their regiments, complained bitterly that since the abolition of flogging in the native army, discipline had relaxed, and they had less power over their men than the native subaltern officers, who virtually controlled them. Dismissal weakened the regiment, imprisonment lowered the tone of the army, while it had no lasting effect. Such was the private opinion of so distinguished a soldier as Colonel Hodson, who did not survive the Mutiny, and of men who, like Colonel Hodson and General Nicholson, had thoroughly understood the character of the natives of India.

There is a tendency to ascribe to broad general principles the Indian rebellion, and writers have not been wanting to bring forward the old truisms with regard to the motives of this rebellion in India. Rebellions are caused by misgovernment; the ruin or the prosperity of a state, depends upon the administration of its Government; there is a limit to the endurance of the multitude, and when provocation is carried to excess, the fault is alone ascribable to the Government.

Such are a few of the sophisms which have been brought to bear on the subject; and in Europe, fusionists and abolitionists alike, pointed to the aversion which the Asiatics manifested for the Anglo-Saxon rule. At a later period, a small class of writers pointed to the incubus of the land tax, as the motive for disaffection; while others ascribed it to the novel introduction into Indian regiments of greased cartridges, and a few writers to the annexation of Oudh.

But it was not misgovernment that caused the rebellion in India, where among Indians independence of thought is so

seldom exercised: even granting that great and radical defects in our civil administration existed, we deny that they have had any part in causing the Mutiny.

The fact of the existence of an erroneous political system; of the dead weight of the Civil Service; of the annual deficit in the finances; of revenues wasted, might have existed, and existed for ever, without producing any popular outburst of native feeling. Subjects like these are not generally canvassed by the natives. The masses in India do not think about them. Even those who have been educated are free from political aspirations or discussions. It would be absurd to ascribe as the motives of rebellion in India, the causes from which have sprung rebellion in free and civilized states.

Terms, which among western races have a significance, are without meaning when applied to the Aryan races, with whom we have had during two centuries to deal. The calm and philosophic mind of Burke might have traced, amidst the sudden effervesence, and powerful passion for liberty; amidst the sweeping away of order, monarchy and religion; amidst anarchy and terror, the unprecedented calamities and unparallcled crimes of the French Revolution,—the march of a principle, of an idea, of a logical process of conviction. *

The historian of Europe may have traced in the passions called forth in the wars of Clovis and Charlemagne, in the victories of Martel, in the Jacquirie rebellion; in the religious contests betweeen the followers of Jansen and Molyneaux and in the wars of Louis XIV, the embodiment of a lofty idea. In the Indian rebellion, we shall find alone abject passion developed. For the causes of that rebellion, we must turn to the evils of the army system; to the fatal conciliatory policy pursued towards the natives, who composed the bulk of the Bengal native army; to a stoical indifference to the condition of the masses; to a too great respect for Indian nationalities, castes, and religions; and to a too great confidence in the honesty of the native character. Something, perhaps, might be owing to the antagonism of race; something to the indifference on the part of the Company, which did not supply a sufficient number of European regiments, when it permitted Lord Dalhousie to annex Oudh; something to that wonderful opposition displayed by the ruling powers, to anything like officers in command of regiments, taking any interest in the religious leanings of their men, and something to the prejudice which still wrongly clings to the introduction of greased cartridges. It is a curious circumstance, that a

* The writer expressed some of these opinions several years ago; they have not been changed with the lapse of time.

few months before the Mutiny, the conduct of a military officer in the Panjab was called in question by the Government, because he attended, at the invitation of one of his men, the Christening of a native child. It was forgotten at Calcutta, that the Madras army was partly composed of Christians, and it was the Madras army that proved most staunch. While those tragic scenes were being enacted with such wild recklessness in the North-West; while fitful rumours were flying about of the horrors of Cawnpore, the massacres at Jhansie, Hansi, and Hissar; while the *personal* and staff of the Government of the North-West, and the residents were forced to seek protection in the Agra Fort; rebellion might be said only to have grazed Central India, which was garrisoned with Madras troops. It had no hold in the Presidency of Madras. It scarcely ruffled the political equanimity of Bombay.

The progress of revolt is one of uncertainty. It is, to use an expression which Macaulay has lent us, like treading on the fine crust of ashes, beneath which the lava fiercely burns. No Anglo-Saxon in a station where a Bengal corps was located, could feel himself safe. A single spark might inflame that huge mass of combustible matter, which could unsettle provinces. It is no wonder, then, that the pulse of public feeling, in every station in Upper and Central India, should have vibrated with an irregularity which almost defied description.

Wherever a Bengal regiment was located; wherever a spirit of mutiny manifested itself, within a hundred miles; there suspicion was the evil genius which seemed to mark the station for its own. Alarmists gave the cry, and the people ran with eagerness to defend the first brick house into which provisions could be thrown.

It was believed at the time that the old King of Delhi was the principal instigator of the rebellion. Whether he did so, it was certain that he was to be the last representative of the Great Mogul, the last descendant of Babar, Akbar, and Aurungzebe that would hold rule in the marble halls of the palace of Delhi.* With him the last shadow of the shadowy and phantom line of kings, who traced their descent from Babar, was soon destined to pass away. With the wreck of the Mutiny, a dynasty, which in India had once reigned supreme, which had subverted Eastern Hindu dominions and

* The writer, a few days ago, visiting the Fort at Delhi, with some friends, regretted that the beautiful inlaid marble in some portions of the Fort was stuccoed over with chunam. Such mementos of the past should last and not be effaced.

religions at will—which had granted a Firman to the East India Company to build an obscure factory in an obscure and unhealthy part of India, on sufferance ; which used to represent itself as the "King of all the world," and which refused a chair to Governor-Generals or Commanders-in-Chief when on formal visits of State to the palace ; was, soon to be a thing of the past.

But a few years before the Mutiny, a late Commander-in-Chief had called on this King, and, viewed in the light of passing events, it sounded like a strange satire that the King should have bestowed on him the title of "Sword of the State," should have made him a Commander of seven-thousand horses, and should have presented him, in token of his being recognized as a servant of the Mogul, with a green stick, as a signia of authority. The court which, in splendour of external show and magnificence, in pomp and in splendour, vied with that of the Kaliphs of Bagdad, of the Ottoman Sultans, and of the Shahs of Persia, which had excited the wonder and admiration of so observant and shrewd a traveller as Tavernier, and which was fast sinking from the reality of royalty into a mockery, was in the space of a few months once again to attract the attention of the Eastern, and even parts of the Western world, before it was stamped out by that very power which it once sneered at, and refused to recognize in outward form except as vassals.

Among those that were disaffected, in addition to the Delhi King and the Nabobs and Talookdars of Oudh, one man preeminently took an active part in that drama of blood which has stained the page of Indian History. The story of his acts has been told by novelists, romancists and contemporaneous narrators, and his name has passed into a bye word for everything that is bad, deceitful and treacherous. By the play-writer, his life and character, as displayed during the Mutiny, might be made the theme of very strong Dantesque writing. Indeed, the drama has scarcely ever spared, in its sarcasms, men of the stamp of the Nana of Bithoor. And yet, if we take up the drama of the past and the present, we can scarcely find a prototype for this man. If the tragedies of Sophocles and Æschylus, of Shakespeare and Calderon, of Massinger and Alfieri, of Dante and Corneille, were searched for examples, a character so black, so facile in deception, so treacherous where word and honor were concerned, could scarcely be found. To find a parallel, we should have to go to plays less chaste than theirs, and to times less fastidious than those for which these great dramatists wrote. We should have to revert to the Greek writers of the time of King Ædipus ; we should have to seek comparisons in those Greek and Latin

plays, which happily for the social morality of the present age, are now nearly extinct; plays which were seasoned with glimpses of pale phosphoric moonlight; scenes in which cold-blooded murder formed the crowning piece of the acts; plays in which illicit love was pourtrayed with more than the piquancy lent to it by Dante, without the moral pointed at by him; plays which had more of the story of unlawful lust and undying hate in them, than had ever stained the rhymed pages of Alfieri; plays which illustrated the story of the passions in a manner, which was as fire to ice, beside the gentle vice and silken transgressions of Lady Audley, and of the romances painted by Ouida, and their class of brilliant, clever, sensational, modern lady writers. While humanity is what it is, the great battle-fields of the passions will engage the study, and employ the pens of novelists, romancists, and dramatists. But the real living men, who sometimes darken the footlights, and cast their shadows on the boards of the drama of real life, are, in their true proportions of hideousness, blacker than the sensational creations of sensational writers. The historian ought, after all, to be the greatest dramatist. The fault of the English historian too often is, that he is not dramatic enough. The story of Clarissa Harlowe is not less thrilling in its interest, because the tale which so minutely pourtrayed the fall of virtue, and the triumph of villainy, was based on facts. But Clarissa Harlowe, as pourtrayed by the father of the present school of modern novelists, is very different from what she would have been, if described by the pen of a historian, even so chaste as Hume, or so graphic as Robertson. The trial of her life and her death, written by the historian, would be narrowed into a few pages of writing, which would scarcely excite but a faint or a passing interest. French writers, in their histories, are more interesting, because they pourtray in greater detail, the inner life; because they add something of the animation of the novelist to the calmness and evenness of the historian. The French historian is more of an artist than the English historian. There is more warmth of colour on his canvas. Swaying slowly, but surely, to the great impress of the French revolution, continental Europe has broken away from the prim formalities and square proprieties of the first and second Georges, and of the latter days of the French Grand Monarque. Continental architecture, likewise, is fast turning into the Gothic. Continental art in painting and sculpture, and ornament, is more and more approaching the realistic. Continental literature is developing into the romantic; while the unities of Boileau, and the meaningless fat cupids of the Louis Quatorze staircases, are trundled, with other traditions of the past, into the limbo of oblivion; thus, too, has

been the change in its historical writers. Life, intense, real, concentrated, passionate, is sought to be pourtrayed; life that exists as it exists,—that will bleed if you cut it; life such as living men and women lead; such is the theme of our European writers, and such is the demand of our European readers. Such, assuredly, has not yet been given by Indian writers, on Indian history, to Indian readers.

There are few who have not stopped at Cawnpore on their way to Delhi or Lahore. During the period described in these pages, Cawnpore was not largely garrisoned, and the regiments that were there were slenderly officered. Dhundoo Punth, the disappointed claimant for the pension of the deceased Peishwa of Poona, into whose family he was introduced, and by whom he was adopted, is better known in India as that execrable monster of the Mutiny, the Nana of Bithoor, whose real character had not betrayed itself in the earlier stages of his career.

Time, however, was destined soon to shew the Nana in his true colors. He had for a long period been brooding over his wrongs. He was, it was true, an adopted son of the Peishwa, but as such, although he could claim, by right of adoption, the property, movable and immovable of Bajee Rao, the Peishwa of Poona, there was but little doubt that, in a legal point of view, he had no claim to the pension which was paid by the East Indian Company to his patron. The pension was personal to the Peishwa. It was, like any other annuity, to be enjoyed by the Peishwa for his lifetime. Like other annuities it was not hereditary. It ceased with his life, nor could his executors or assigns, his trustees or his representatives, claim it after his death. Bajee Rao was, in fact, the last representative of those free-booting chiefs of the Highlands of Central India,—the monarchs of free lances, the dread of the agriculturists of the plains, and of the merchants and money-lenders of the city. His faithlessness to the Indian Government was long suspected, and was subsequently accepted without a doubt.

He was dethroned by the British. His territories were confiscated He was assigned a residence at Bithoor, a native town, twelve miles from the British station of Cawnpore. His house and gardens overlooked the river Jumna. The place was pleasantly situated. On the banks of the river might be seen Hindu shrines reflected in its waters. In November of each year, pilgrims went there, composed of that class which annually resorted to Hurdwar, the source of the Ganges, held sacred by the Hindus, and to Benares, that seat of Brahminical learning and Brahminical superstition. This ex-chieftain, the Raja of Satara, had no male heirs; and in accordance with Oriental habit, usage, and custom, he had adopted Sereek Doonda Punth, the Nana, as his son. Unable to obtain from the

Government of India his fancied right to the pension, which had reverted to the State on the death of the Peishwa, Doonda Punth sent to England Azimoolah Khan, a confidential agent, who had learnt, as butler in an English family, to speak English.

Like all foreigners, his agent was well received in the social circles of Mayfair and Tyburnia; by people who regard every foreigner from India, China, or Japan, as a curiosity to be drawn out and noticed in West-end drawing rooms; by people who regard every Pole as a patriot, every Sicilian dressed in the Garibaldian costume, as a Garibaldi; every Maronite as a martyr; every Japanese walking in the Strand, as an Eastern ambassador; every native from India, who sports a diamond, or shrouds his under-coat in a Cashmere shawl, as an Eastern satrap, a prince or a nabob. But if he was entertained in the West-end drawing rooms, he failed to make any favourable impression on the Directors in Leadenhall Street, or to advance the claims of the Nana.

He returned to India by way of Constantinople, after spending the money of his client fruitlessly. There he learnt that the Crimean war had absorbed, whilst it had weakened England's military resources, and on his return to Bithoor, he was not tardy in exaggerating, with the exaggeration of an oriental, the story told him by discontented or fanatic and ignorant Moulvies at Constantinople, of the results of the war in the Crimea. The story of Russian intrigue in the East had not assumed the vast proportions it has now done. But even then, the hopes of a Russian advance towards India, was credited and devoured eagerly by men who, like Azimoolah and the Nana of Bithoor, had much to gain by general anarchy and confusion, by the hopes of plunder, or the chances of illicit gain.

Although, outwardly, the Nana still continued to profess a friendship for the English residents at Cawnpore, although his elephants and carriages were still at the disposal of the judge, or of the collector, in his own heart he cherished a deep and bitter revenge for the loss of his pension. While he feasted at his table those who accepted his invitations, he had sworn to expiate his revenge in blood. The injustice done to him should be blotted out in the blood of infants, who had been born years after his claims had been forgotten by the government; and of women who had never heard that he had any claims against the government. A writer thus describes the part he took in the mutinies:—

"The great crime of Cawnpore blackens the page of history with a far deeper stain, than the 'Sicilian Vespers' or September Massacres; for this atrocious act was prompted not by diseased or mistaken patriotism. Among the subordinate villains, there might be some who were possessed by bigotry and class hatred

but the chiefs of the gang were actuated by no higher impulses than ruffled pride, and disappointed greed."

Nor was there really great injustice done to this man. It is true, that Lord Dalhousie, then Viceroy of India, had ruled that the pension due to Bajee Row should not be continued to his adopted son, for the pension of eight lakhs, was not settled in perpetuity, yet, although not allowed the pension, a certain tract of country was conceded to him for life, and he had succeeded to the private property, the estates, the personal property, and the jewels of the deceased chieftain. He was allowed the usual salute. He was given guns and cannons to fortify his residence at Bithoor. No personal services were required from him. Yet he was not satisfied. In the language of Mr. Keene, in his guide book, it may be said that he might have adopted as his motto the following lines, taken from the mouth of Virgil's baffled goddess :—

"Flecteré si nuqueo Superos, Acheronta movebo."

He breathed vengeance in his heart, and to carry out that vengeance, he was ready to raise the demons of hell from their abode to aid him.

The regiments then stationed at Cawnpore, consisted of a battery of artillery, a small detachment of H. M's 84th foot, a detachment of H. M's 32nd foot, and some few convalescents and invalids. The Native regiments consisted of the 1st, 52nd and 53rd infantries, and the 2nd Bengal Cavalry. The Brigadier-General in command, was Sir Hugh Massy Wheeler. The station club, now at Cawnpore, bears his name. Until the 6th of June, no real apprehensions were entertained of a mutiny at Cawnpore. However, among the unofficial community, small as that community was then, meetings were held, and the gravity of the occasion was appreciated. They waited upon Sir Hugh Wheeler to concert measures for some means of defence, in event of a military disturbance, and it was not until the 2nd Bengal Cavalry and the 2nd Native Infantry had become openly mutinous, that entrenchments were raised of mud, not four feet high, round the long barracks then occupied by some men and invalids of the 32nd regiment. When the Native regiments stationed at Cawnpore mutinied, they were invited by the Nana, who without much hesitation, put himself at their head. He thus hoped by taking the magazine and the treasury, which was then located at the village of Nawabgunge, three miles from Cawnpore, where the model farm is now, to hold the keys of Delhi and the Punjab, for Cawnpore was on the high road between Allahabad and Delhi. He might then bargain with the old King within its walls for the Captain Generalship of the rebel army, or he might, with a rebel army of his own, assume

the sovereignity of all the country and its agricultural wealth lying between Delhi and Lahore. With the rebel army at his command he might unfurl the flag of the Mahratta freebooters, and with Cawnpore burnt and destroyed, he might make the English survivors realize the horrors of another Black-hole.

When it was known that the Nana had offered to lead the mutineers to Delhi, the resolution which the mutinous regiments—the first, the fifty-third, and fifty-sixth Native Infantry Regiments, and the second cavalry—had adopted of marching straight to Delhi, was altered, and instead of doing so, they returned to Cawnpore. They set fire to the houses of the European residents, they broke open the jail, they plundered the government treasury, which, through one of those strange oversights, was left unguarded. A hundred thousand pounds sterling, the entire contents of the coin vaults were forcibly taken and distributed, as spoils of the four regiments. The public offices were burnt down. The records of years, preserved in those offices, were destroyed. The cables which connected the bridge of boats were cut away, and for a few days, every barbarity which could be designed by a mob, infuriated with drink and with passion, was perpetrated.

The mistake which was made—which ended so fatally for the Cawnpore garrison—was at the time attributed to want of military judgment on the part of Sir Hugh Wheeler. Major-Sir General Hugh Wheeler, who a few years before was nominated a Knight Commander of the Order of the Bath, and who had seen active service under General Viscount Lake at the first capture of Delhi, and also subsequently during the 1st Afghan war, was Brigadier General of the field forces at Cawnpore. He had but shortly returned from England, and on him rested the responsibility of defending the station and garrison of Cawnpore.

By his friends, he was considered to be a brave and able soldier—warm hearted to those who knew him; but by his critics at the time the responsibility of the tragic, and totally disastrous fate of the Lucknow defenders, was attributed to his weakness in accepting terms from the enemy.

The European troops under his command entrenched themselves in a hastily fortified position on the open plain already alluded to. The magazine and arsenal, with their store of arms, should have been defended. There stood also the treasury and other public buildings, which would have been better suited for defence. On one side, they had the river for a base, and their strong walls would, at least for some time, have held out against the attacks of the rabble and the mutineers. Sir Hugh Wheeler and his garrison had not long to wait for the attack of the

enemy. The mutineers soon advanced on his entrenchment, which consisted of a mud wall four feet high, shaped like a parallelogram. It contained only a thatched barrack, set apart for the ladies, and the sick and wounded. Behind these frail bulwarks, a mixed company of nearly one thousand English people, including women and children, were crowded.

Arms and ammunition were distributed to all who could use them. Opposed to this handful of men, were the Nana's myrmidons, the regiments which had mutinied, and the rabble. The enemy advanced, spreading themselves across country, firing and plundering, and murdering every European they met in the native town, or in the civil lines. Four office clerks were slain, after a valiant resistance. They bravely met their death at the points of the bayonets, after their house, which they had defended for hours, was set on fire. Wherever an European was seen, he was hunted down, and wherever a native Christian was met, he was cut to pieces. The troopers of the second cavalry everywhere scoured the city and the civil lines in search of those Christians who might not have already joined the garrison. A proclamation was issued to burn all English houses. Several houses of respectable native merchants were also burnt down.

One native commissariat contractor had his house set fire to, and the wealth he had amassed during a life time pillaged, on the pretext that he had given shelter to Lady Wheeler and her three daughters. Another wealthy merchant had his house plundered because he was said to have communicated news of the intended rising to Mr. Hugh Parker, the cantonment magistrate. "Hunt and slay the Feringhees and the Christians," were the watchwords of the mutineers." "Strike Hindus for Vishnu; strike Momammedans for Islam," were the maddened cries which were heard in every direction. The boom of distant cannon was heard from the Nana's camp. Athwart the lurid fires of burning houses were seen the flashes from occasional vollies of musketry, and the reports of Enfield rifles, fired by detached groups of men hurrying in different directions. Beyond the burning houses, were seen in the remote distance, incendiary fires, in relief against the dark sky of night which had already set in. Hay-stacks, and even groves of trees were given to the flames. Those who were so unfortunate as to fall into the hands of the mutineers, were immediately slaughtered. No conditions were stipulated for; no mercy to sex or age was shewn. The lurid glare lit up the night, with a weird phosphoric brilliancy. The scum and the vilest rabble from the city, were all night plundering the houses. The doors of the tradesman, the cloth merchants, the money changers, and the bankers, were beaten

in by the butt ends of muskets, or the rifles taken from the arsenal. The English Protestant church was cannonaded. During the night, one detachment spread itself, firing the houses which were still standing unharmed. Another roved through the Mohammedan quarters of the city, took prisoner the Nunkey Nabob, the most influential Mohammedan in the city, plundered his silver chest and his wives' jewellery, and carried him and his wives to the Nana. As the morning advanced, the scene of destruction became extensive. The flames of the blazing houses rolled nearer and nearer to the entrenchments. At ten o'clock on the morning of the outbreak, shots were fired at the entrenchments from the vacant lines of the First Infantry, which were occupied in force by the enemy. But the numbers of the besieged and the besiegers, bore no proportion to each other. On one side, there were only a few men of the Artillery, and the Eighty-third Queen's, a few officers, whose regiments were arrayed against them, a few civilians, and a great number of defenceless women and children; on the other, there were several regiments, backed by a countless rabble. The arsenal had already been sacked by the rebels, and while they had an unlimited supply of arms, and of twenty-four pounder guns, the garrison had only a few nine-pounders, limited ammunition, and rations which were scarcely expected to last one month.

Day after day thinned the ranks of the garrison. The shot and shell of the enemy, as well as fever and sunstroke, cholera and dysentery, had done their work. The sick, and wounded, and the women, had protection under the thatched barrack. But soon the barrack caught fire from an accidental shell, and from that day, those who had found shelter under it, had, during the entire day, when the thermometer shewed 120 degrees,—to suffer exposure under the burning, pitiless sun of an Indian summer. When the rations had run out, it was scarcely possible to realize the true character of the sufferings which the remnants of the garrison had to undergo. To describe the events and the casualties that took place, would be to give details which would take up too much space. But one writer, who has written the history of the seige of Cawnpore, with considerable graphic powers, will lend a few details, which may not be out of place.

They will, at least, serve to shew, that in an entrenchment so hurriedly made, and which was by a singular sarcasm named by some of its defenders the Redan of Cawnpore, the boundary was slight between the living and the dead. Nearly every acre of that fatal enclosure, might well have been termed God's acre. The span of ground, scarred with the blazing June's sun, on which the survivors of that garrison may have stood, might, in

any second, have been appropriated to form his last resting place. In such a catalogue of names as is given by this brilliant writer, the synomyms of death became soon exhausted. The repetition of the names of those who were killed daily by the enemy's shot, or by the still more fatal stroke of the sun, becomes a grim tautology. Although the ammunition stored in the entrenchment for the heavy guns had long been exhausted, the firing of the enemy by day or night never ceased. The bullets cut the air. The shells whizzed ceaselessly. It was impossible to say whose turn would follow next, or for which woman or child the fatal bullet would convey its last billet. The walls of the only barrack which had sheltered the garrison, had long been levelled with the earth. The grape shots carried destruction everywhere. Those iron messengers spared neither old nor young. A single shell killed and maimed seven married women, who all day long had been seated in the ditch entrenchments, without any head-covering. Colonel Williams died of apoplexy. His wife was disfigured in the face by a frightful wound. Miss Williams was stunned by some fragments falling from the roof. Mrs. White was walking with her twin children and her husband near her side; the same ball slew the father, broke both elbows of the mother, and injured one of the orphans. Captain Reynolds lost an arm and soon after his life, by a cannon shot. A son of Sir Hugh Wheeler was reclining on a sofa, under the shade of a broken wall, one sister at his feet, and another, with the parents, bandaging his wounds, when a cannon ball striking him, left his body headless. Lt. Jervis was walking to his battery under a shower of lead—he was calm and collected, but although he had only a few yards to go, he was not destined to reach it. Such was the history of each day's occurrences. "The frequency of the casualties may be understood by the history of a single hour." Thus wrote, at the time, Captain Mowbray Thompson, one of the few who escaped, he and one sergeant only were sole survivors of that ill-fated garrison. That sergeant, it is stated, but not confidently, now keeps an Hotel, known as Lee's Hotel, near the railway terminus.

It is not possible for our countrymen, who have not been out of England, to realize the miseries suffered by the English children and women who were in the garrison at Cawnpore. In cool and shaded verandahs, in high and lofty drawing-rooms, kept cool with the aid of a thermantidote, the latest novel, or the last English magazine may serve to while away the summer hours in an Indian station. Ices, and iced, or cooling drinks, may almost make one forget the intense heat. Those ladies who were within the entrenchments now, had passed many summers pleasantly in India, and could not perhaps have realized in its full and bitter reality, what it was to be without the shelter

of a house, in June. But by those who have never left England, such heat and such misery as they endured are not easy to be comprehended.

At no time of the year is the atmosphere of London, even in the hottest summer month, so hot as it is in the autumn of India, even in the most favored stations of this country. While in many parts of India; in Madras or Bombay, in Mangalore or Vizagapatam, the temperature of the climate in the winter months exceeds the heats of a London summer.

India, in the hot months, even under the shelter of large houses, is simply intolerable. The quaint resource, suggested by some imaginative writer, of taking off one's flesh, in order to enjoy a few minutes of refreshing slumber by resting with bare bones, would be applicable, as an illustration, if it could be carried out in India. In summer, even in large houses, a *siesta* cannot be enjoyed in the day on account of the heat, and the rays of the noontide sun beat fiercely and disagreeably for those working in even large public offices.

The sun, indeed, has very little reverence for the brains of those who have every day to go to their offices, which are devoted to the magistracy, or to mercantile or trade speculations. The clothes which are worn in India by the men, although of the lightest tweed, are unsuited to the occasion. A black coat, exposed to the Indian sun, while its owner drives in a dog-cart, or other conveyance, from his house to his office, even for a few minutes, becomes like the shirt of *Nessus*. An ingenious official of the High Court of Bombay recently suggested that beef and mutton should be cooked or roasted by the sun's rays, acting through the medium of common glass. That experiment was fairly tried and succeeded. It shewed, in a peculiar way, the intensity of the sun's heat. Amusements during the day, in any part of India, are out of the question, for those who cannot emulate the salamander.

A play or a concert, even during the night, is often unattended on account of the heat. The announcement of a floral show during the day, or of any other exhibition, or of a monster promenade performance at three o'clock in the afternoon, would be sufficient to make the coolest pulse rise to fever-height. Innocent flirtation in the day is out of the question. Ladies in the lightest muslins, in the day, must endure sufferings which would preclude sentiment. The curled darlings of a London drawing-room would scarcely venture, if in India, to prolong conversation on the empty nothings of the day, and very few would feel inclined to prolong their stay beyond a few conventional minutes. Small talk, with the thermometer at 120° Fahrenheit, in the shade, requires all the serious energies of the mind. The appetite vanishes All the vivacity of mind, all

the playfulness of fancy, desert one during those hours. In India, there is a very close connection between Fahrenheit and mind, and while heat is supposed to expand matter, it certainly renders the mind stolid. If it does not altogether solidify the brains, it certainly dwarfs the intellect, as much as it expands matter. The furniture in a room feels hot. The Brussels carpets are unbearable. The polished brass on the writing-table repels the hand that touches it. Locomotion is more or less a torture. The dust blows into the best built houses, with a profusion rich enough to cover all the articles of *vertue*, all the pictures and the silk sofas, with a thick crust of red. In every room there is the crumpled rose leaf, to remind you of India; the dust and the heat and the insects are everywhere. They and the servants, the tough beef and the lean mutton, and the daily scandal and small talk, form the greatest drawbacks to an equanimity of temper. In many parts of India, it may be said that the climate is that of a perpetual summer.

There is no relief to the eye in looking out on green fields, or on the green grass; a few days after the last showers of rain the freshness disappears. The air vibrates with the reflection of the heat from the ground. A shimmer above the burnt fields reminds you that you have left the green fields of England far behind, and that you are viewing nature from the heated precincts of an oven. The sand roads, viewed under the noonday's sun, seem to glare. The river falls low, and the water appears to the eye to be lukewarm: it is certainly very warm if tasted. The heat from the parched ground becomes scorching. The birds, during the day, droop their wings and are silent. Even those who have experienced the heat of Ceylon, or of the Red Sea, forget it in the heat of such places as Cawnpore or Agra in the summer. The heated atmosphere, even in spacious saloons, or large drawing-rooms, is severely felt. And if the verandah, during the day, should be resorted to, there, too, an overpowering heat will be felt It will be experienced in the summer sounds, in the cooing of the pigeons in their nest crevices in the eaves of the house, in the sudden bursting of furged blossoms, or soda-water bottles carelessly stacked, in the dry chirping of the grasshopper, in the cry of the cycadas, in the weary croak of the raven, in the drone of the bee, which rushes out from a flower pot against the first intruder on the verandah who may resort thither from the shaded or darkened recesses of the inner rooms. The servants are languid in their attendance. Politics are never discussed by the male members of the Indian community, conversation turns on business, or degenerates into scandal, or meaningless nothings. If books are tolerated, they are indulged in as an aid to a few minutes' sleep. Everywhere is there an oriental languor—a voluptuous indolence. Few

thoughts stir the mind; the nervous excitation of passion, the consciousness of being able to think or to act, leaves you during the day; and until the dusk of the evening returns, bringing with it some degree of coolness, the mind and body are wrapped in a kind of lotus obliviousness. If such was the heat within doors, what was it under the direct rays of the sun, at Cawnpore, to those who were unsheltered by roof or ceiling? For the Cawnpore ladies and children, after the thatched barrack was burnt down, had to rest on the bare ground, within the entrenched walls, while overhead whizzed a ceaseless shower of shot and of shell from the enemy, who were sheltered in the buildings which overlooked the entrenchment. It was fortunate for those who died first. They at least had not to sustain prolonged miseries, had not to suffer endless agony. Yet as one by one was shot, or fell a victim to the sun and sickness, there was still in the breast of those that were left, some wild hope of surviving those who had gone to the next world before them. For hopes of life, even under the greatest danger and misery, are tenacious. And it is the same life, existing in every created thing, which makes itself felt in the joyousness of the nightingale, which is realized by the bird before the winged arrow stops its song, and it lies silent in death, which tosses the ocean and tints the sea-shell, which plays with the light on the grand old mountains, and which, wherever it links itself with nature, shews itself in beauty or vitality,—the same mysterious life which pervades our bodies, which throbs in the heart, and the pulse which speeds through the brain, connecting, as with a subtile link, the immaterial and the material, ennobling man under higher circumstances; by still clinging to laws beyond his control, through misery and through the deepest sorrow, to that body which is already fast crumbling into dust. Although, there was one solitary instance where a Missionary, when his aged mother received her death-wound from a rifle-ball, died of madness, there was not a single instance where any of that garrison sought, even with this terrible reality of death before them, to hasten the hour when the last glimpse of light might, in obedience to a higher trumpet call than what they heard hourly, fade from the eye, and the last farewell look might be given to all things of this world. The men fought and fell like heroes. The women braved death with fortitude, knowing that it would come; many Victoria Crosses should by rights have graced the breasts of those few heroes, but the only cross, which was destined for them, was that Christian Cross, which surmounts the spot where they were buried, and which is better than any which any earthly sovereign could bestow. The only brilliants which were to sparkle on their breasts, were the sparkling dews of

night,' glistening on the grassy mounds which marked their last resting place at Cawnpore.

From the comforts of an Indian home life, to the terrible realities of an existence under a burning sun, in an entrenchment where the thatched barrack alone afforded shelter, was a change which the Englishwomen and children of Cawnpore could scarcely realize.

Life in India, on the plains, is so peculiarly Indian, that anything which partakes of out-door roughing, is a hardship. Even a picnic, with all its associations, and its pleasures, is scarcely a picnic in India, if it should be given on the plains, and not on the hills. On the plains, there are scarcely any months in which, under the deepest shade of umbrageous trees, a picnic can be enjoyed if given during the day. Even the shelter of a tent during the day is scarcely bearable. With all the senses open to the picturesque appearances of Indian life, or of Indian scenery, none but the most enthusiastic lover of nature, would voluntarily prefer the shade of a tree to that of a tent, during the day. Even before railways in India were constructed, marching or camping during the day was a disagreeable necessity. All travelling was done by night, if possible, to avoid the heat of the day. During the day, the tent and the staging bungalow became an absolute necessity. This was during the days of the old Indians, when life in India was Indianized; in the days when there were still independent Kings of Oude, when people took nine months to reach India, round the Cape; when Macaulay was a young man, serving at the Council Board at Calcutta; when "Pickwick" was the new book of the season; when there were few amusements for the fair sex, and when they, accustomed to rough it, in the Indian sense of the word, were far better than they were in 1857. The English in India, when the mutiny took place, were more Anglicised than those who preceded them. They had many more home comforts round them, and they even had some amusements. Croquet and badminton had not yet been introduced as Indian out-door amusements, but archery was resorted to, even then, at Cawnpore and elsewhere.

There are few amusements in India more capable of developing the feminine mind, and smoothing its asperities, than out-door amusements, and none more so than archery.

The feminine mind, viewed under the more favored circumstances of home life, when employed in out-door amusements in England, is always a study. In India it is often a puzzle. It is too complex. It has as many angles as the koh-i-noor, as many secret chambers as the conjuror's inexhaustible bottle, filled with sparkling wines of different colors. If racing, cricketing, and boating, as out-door amusements, have been

well calculated to call into exercise the muscles and the mind of the men, how much more are the games of croquet and badminton, and the royal sport of archery, then very much in fashion, calculated to call into full feminine play, the minds of the young, volatile, and fairy creatures, in white muslin. The recreation found in riding, or in such games as badminton, and such sports as archery, has always formed the favorite resource of the feminine world in India. Women, indeed, generally, have from time immemorial, exhibited a greater capacity for enjoyment, than for the stern practicalities of real life.

Associations of women in India, for moral, religious, political, or social, or ethical objects, generally fail. The climate is too exhausting for any severe mental strain; even for such artistic recreation as may be found in drawing in water-colors, in etchings, in scroll-writing, in ornamentations and embroideries, in oil-painting, in sculpturing—which ought to afford amusement—there is but little taste, and still less inclination. It is but just possible that the temperature of the climate, which takes from the energy of the men in India, lends to the softer sex a greater volatility than it does elsewhere They are, in India, a little of everything. It runs in their blood to play a little, to ride a little, to dance a little, to be slightly emotional, moderately religious, to be temperately fond of whist or bezique, to have something more than a vague longing for outdoor amusements, such as croquet and archery, which tend to develop that state of mind, which is best adapted for an innocent flirtation, or the smallest of small talk.

The savage sarcasm, which ascribes to Indian life the synonym of ennui, is no better illustrated than when we apply it to Indian amusements. In an Indian life, as well as in its amusements, dancing excepted, there is a marked want of earnestness. It is only when some softer passion is awakened, that in these amusements, the young lady, not yet thoroughly acclimatized, has some slight feeling akin to earnestness. It then becomes for the first time associated with fresh emotions. An atmosphere of the freshness of an English lawn, for the first time surrounds the embrowned Indian archery ground. Then arise the memories of pleasant evenings, of fresh new bonnets, put on for the occasion, of the very newest of artistic boots, which might suit with the sylvan dress and the sylvan scene, with strange speculative memories whether he will be there on the next archery day. The lawn is no longer an Indian embrowned enclosure, hedged in by trees. The game has some life invested in it, and the next meeting is looked forward to with some degree of interest, if not of pleasure. There were many fair young ladies within the Cawnpore entrenchments, who had sighed to think that, in the hurry of

their movements, they had not brought with them their bows, and for the few days before the mutineers returned to attack the entrenchments, they were buoyed up with some hopes of the affair turning out, after all, a fortnight's picnic, when some solace might be found in archery, or some amusements might be got up on the spur of the moment. But this was not to be. There was in store for that ill-fated band of men and women something which the most thoughtful could not have imagined, in their most serious moments. The children, too small to think, thought it was great fun. At first, and even in an innocent way, unconscious of danger, they screamed with delight when they heard for the first time the whizzing sound of the great balls, or extemporised games with the black balls as they lay enveloped and encrusted in the mud where they fell. But they, too, soon wearied, and when their supplies of jam and bread, and water also, ceased, they moaned piteously, in such a way as children, enfeebled by thirst and by hunger, and fevered by the sun, can alone shew their small wants. There was neither milk nor pudding, nor any one left to play with them or to look after them. One unhappy mother, leading on each side a child, ran out from the shelter of the walls, exposing herself to the shots of the rebels. She was dragged back, only to endure for a few days longer that agony which she only, as a mother, could feel. Captain Thomson describes some of the children, when the water supply failed in the only tank on which they relied, as "sucking the pieces of old water bags, putting scraps of canvas and leather straps into the mouth, to try and get a single drop of moisture on their parched lips." But events were rapidly drawing to a conclusion.

The monsoons, so long delayed, were setting in. Their fortifications would soon be untenable. The rain, pouring as it always does by day and by night, when the rains first set in, would bring down to the earth the walls of the roofless barracks, already riddled by the enemy's shot and shell. The ditches, in which the few remaining ladies protected themselves from the sun and from the rifle balls, would be filled with water.

The provisions, which were now reduced to a quart per head of the coarsest Indian grains, such as were given to the cattle only, were soon also coming to an end. The powder, or so little of it as was left, would soon, under the first shower of rain become thoroughly damped, and rendered useless. Death, in one way or another, would soon face the surviving few. So attenuated by disease and hunger were they, that it mattered not when the end came.

While these were the soul engrossing thoughts of the garrison, a message was brought from the rebel camp, by an elderly person, who gave her name as Mrs. Jacobi, and who, being

dressed in Christian clothes, was allowed to pass the line of sentries who guarded the outposts of the entrenchments. She had been taken captive while endeavouring to escape in disguise to Lucknow, about the same time that the family of the Greenways were captured; and who were imprisoned with her, in a room of the house occupied by the zenana of the Nana. The Greenways had stipulated that they should be released, on payment of Rs. forty thousand, and although negotiations had been commenced by them for the payment of this sum at Calcutta, the Nana had no intention of keeping his part of the promise. Through Mrs Jacobi, the innocent bearer of the epistle, Sir Hugh Wheeler and his garrison were offered a free passage to Allahabad if they would lay down their arms. These proposals were laid before a committee, consisting of Sir Hugh Wheeler, and Captains Moore and Whiting. The decision arrived at, after much deliberation, was, that under the circumstances in which the few surviving remnants of the garrison were placed, it would be advisable to enter into a treaty with the Nana. They had held out for twenty one days, through exposure and hunger, under an unremitting fire, and it was not possible to hold out any longer.

A meeting at dusk was called by the Nana, of the principal ringleaders of the revolt, and next morning Azimoolah, his nefarious agent, repaired to the entrenchments. He was met by Captains Moore and Whiting, and Mr. Roche the postmaster. It was agreed that the entrenchment should be given up, and with all its treasure. guns, and ammunition, provided that carriage should be found for the wounded, and the women and children; that the men of the garrison who could still bear arms should be allowed to carry their guns with them, and sixty rounds of ammunition each, and that boats laden with flour should be in readiness to convey the survivors to Allahabad. These terms were solemnly ratified, and the Nana's agents promised to present them with goats and sheep also. The conference was broken up. A trooper brought back an answer from the Nana, to say that the stipulations were acceded to and confirmed, and a request was made for the immediate evacuation of the entrenchments that very night. Mr. Todd, the Nana's former tutor, waited on him, and was informed that the survivors might embark in the cool of the evening. A spot was treacherously selected by the Nana, where the English could not get to the boats easily, and where they could be fired on from the steep sides of the river, which were flanked by a high wall, and by steps leading down to the river's-edge.

There, on the bank of the turbid river, may still be seen the spot from which that devoted band were treacherously and murderously fired upon.

On Friday evening, Tantia Topee, who afterwards took a prominent part in the mutiny, was closeted with the Nana. Of the two, it was difficult to say who was the greatest and most treacherous villain, or who displayed, afterwards, the greatest cowardice. The result was, that between the two, they gave private orders that five guns, with five hundred musqueteers should be secreted near the place of landing. One detachment was placed by them under the ruins of a house, which commanded the river and the suttee ghât, for a distance of half a mile. A squadron of black troopers concealed themselves near the fisherman's temple. A stronger body of infantry and cavalry were in readiness for the evil work of murder. At the village of Suttee Chowra, sharpshooters and riflemen spread themselves lower down the river, some hiding behind trees, others crouching beneath the low brushwood and jungle which fringe the river's bank. Infantry, with some field-pieces, was posted lower down the river. On the opposite side of the river, guns were placed, so that if a single boat escaped, it might be readily shot at, or sunk. Such was the plan, and such was the execution of this act of treachery: an act planned and executed by the Nana and Tantia Topee; an act, so black, that in all the range of history there is scarcely anything of a similar character to equal it.

The boats were resting on the sands, the boatmen had received their instructions to fire the thatched roofs, which covered each boat the moment the survivors should enter them.

On the morrow, the townspeople crowded to the river's bank, to see the few survivors—thin, pale, and emaciated, and fevered, with skins burnt by the sun's exposure; with clothes begrimed with powder and dust, with beards unkempt and uncut,—march to the boats, apparently ready to take them to Allahabad. With the townspeople, came the mutineers, and the rabble from the filthy scums of the city, drunk with bhang, ready to heap the last insults on these few brave men and women, now departing under the guaranteed protection of the Nana.

Early in the morning the garrison took their last look of the encampment. There was no time to indulge in sad or bitter memories of the past. The future was yet before them; the future, with its delirious hopes of life, but not without its presage of something fatal likely to take place; for even at the best, there were many hearts that distrusted the promises of the rebels, and particularly distrusted the Nana.

A crowd of native carts were assembled to carry the men and the women to the river's side. An elephant was sent for. The wounded were placed in litters. No assistance was given by the natives, either in lading or unlading. Mutineers and

rabble alike, mingled with the throng of the survivors, and the ambulance carts carrying the wounded to the boats. As that sad group wended their way, first in the ranks, might have been observed the survivors of the 32nd Regiment, with their captain, thinking now lightly of the bitter past: unconscious of the tragic future. The wounded, and the women and children followed next. Last of all followed those who were able to carry a musket—men who had braved a thousand deaths but who had hitherto escaped it.

Major Vibart, of the second cavalry, brought up the rear. As the new band, thus escorted, reached the river, the city rabble watched them with the vulture's ravenous gaze, descending into the valley, into the shadow of death. As they reached the boats it was observed that not a single native, not a single boatman, lent a helping hand towards assisting in the embarkation. A sullen silence reigned around while the women were embarking. While the officers and soldiers were assisting, standing in water, knee-deep, to embark the children and the wounded, while some of the children were shrieking with delight at the sight of some cooked rice found in a corner of one of the boats, the sound of a bugle was heard. As the last Englishman had descended, the ravine leading to the boats, the bugle which sounded, caused the crowd to gather round, so that all retreat was impossible.

While they were yet in the river, trying to embark, the native rowers leaped from their boats into the water, after setting fire to the thatched cabins of the boats, and made for the shore, on which took place the tragedy that has so foully stained the page of Indian history. Then commenced the cold-blooded massacre. Major Vibart's troopers, who had conducted him with outward marks of the most abject submission and esteem, were the first to open fire on their commandant. The straw roofs of the boats simultaneously flared up in a blaze. Those who had embarked were scorched and suffocated to death. Those who were not already under the thatched cabins, threw themselves into the river. Those who were in the river, and had not embarked, were shot down before they had time to defend themselves. So sudden was this treacherous attack, that they had no time to use their weapons. The few boats that did not take fire, were pushed into mid-channel by those who were on board. But scarcely had they got into mid-stream, when from each shore broke forth a storm of grape and shell. Those whose boats had been burnt, and who had escaped the storm of bullets, were now determined to sell their lives dearly. Several of the miscreant crew, who set fire to the fleet of boats, were shot down by them. Many of the second cavalry, as well as

the infantry, who lined the banks, and now made their appearance, fled from the range of the English rifles, but leaving many of their men dead on the banks.

It was not until the cannons opened fire from either bank, and until nearly all of what was left of the late illustrious garrisons were shot down or drowned, that the mutineers returned in overpowering numbers, to finish the evil work they had commenced. The wounded, who could not resist, were shot or cut down, their bodies floating down the stream.

General Wheeler was nearly the first who was cut down by the troopers. He was descending from his palanquin, and as he stooped to get down, he was treacherously sabred. Little infants in arms were torn and cut into pieces before the eyes of the mothers who carried them. There were a school-mistress and several young school-girls among the garrison; they were burnt to death, in the boat which had been allotted to them. A villager, with a thick club, struck down the youngest daughter of Colonel Williams, as she stood knee-deep in the water. Other villagers followed this man's example. Mr Moncrieff, the clergyman of Cawnpore, was also beaten down, before he could finish the prayer which he had commenced for mercy to the Great Creator. One European soldier was beaten to death as he tried to escape. Another was shot down as he endeavoured to force his passage back through the crowd. A few Europeans only escaped in a single boat; they were principally those who had already braved a thousand deaths, when in the garrison walled enclosure. This boat had been allotted to Major Vibart, and amongst those in it were Vibart and Thompson, Delafosse and Daniel Blenman, a young uncovenanted civilian, who a hundred times in the garrison had braved death, but who, at the last, with several others, was destined soon to perish in this final effort made to reach Allahabad.

The monsoon, on that day, burst at Cawnpore with a hurricane. Under the pelting rain and the fierce hurricane, this solitary boat floated down the river, for some few miles; skirmishing to the last with the enemy, which now pursued them on either bank in countless numbers; an accident occurred, which once again placed them within the reach of the enemy. The hurricane drove the boat into a back channel, and there was now no chance of further progress. The steep banks, which overhung the channel, were crowded with their pursuers. The men fought as men fight only when they do so for their bare lives, and where no quarter is given or taken. They fought until their shot or sword wounds allowed them to stand no longer. The women and children, who survived the men, were taken back to Bithoor, and with

the others, who were already there, were imprisoned in the Savada house.

But while this terrible tragedy was occurring at Cawnpore, at Futtehgarh, seventy miles away, similar atrocities were being enacted. It was unfortunate that Colonel Smith should have commanded the tenth Native Infantry there stationed. Colonel Smith, like too many other Bengal officers, believed in the fidelity of the Native regiments. He believed, above all things, in the staunch loyalty of his own regiment. When the Magistrate, Mr. Probyn, and the English and Christian residents had left Futtehgarh, and taken refuge at the fort of Dhurampore, owned by the native landholder, Hurdeo Bux, who was willing to give them shelter, Colonel Smith insisted upon keeping his European officers in the cantonment; although the 10th Bengal Infantry had shown itself disloyal, had plundered the Government treasury, and had taken the treasure to their own lines.

On his representation, the residents, who had taken shelter in the fort, were ordered back to Futtehgarh, and they, with the exception of the magistrate, and a few others, returned. But by the 16th of June, the regiment, which had so long wavered, joined the Seetapore mutineers. There was a small fort in the vicinity of Futtehgarh, and to this place, the residents who had returned, resorted. For ten days they held out manfully against the enemy. During that time they lived under an incessant storm of shot and shell. But it was impossible for a few men to hold out against countless numbers, well armed—against odds which were greater than one to a hundred. When the last chance of holding out had gone, the besieged had recourse to the boats, and dropped down the current in the vain hope of reaching Cawnpore. Were they aware that the tragedy had ended there? The river was low: their pursuers were numberless. Each day their boats lost ground, the barges grounded, and were boarded, the enemy were repulsed severely by those who were still able to bear arms—but many who waded through the river to fire on the mutineers never returned. Some were borne back dying, others sank for ever in the river. The women and children were carried to Cawnpore, to swell the number of those already in prison. One gallant young man, who had fought bravely during the siege, sprang into the river and swam across unobserved, and tried to escape under the cover of the forest.

All that long day, under a burning sun, he had to plod on. Through air which seemed to be laden, not with the perfume with which thyme and honeysuckle had shaken out their fragrant censers, but with that heat which makes it sometimes appear to vibrate; between hedge-rows of cactus and prickly

pear, through villages where the natives looked on him with suspicion, besides fields where men worked who would be too ready to take his life, over roads, dusty and hot, under a sun which never ceased to burn or to shed down its molten rays.

The sun was setting behind one of the low blue hills, which terminated the view to the right. The forest, gloomy in the sunlight, looked still more gloomy now. The broad leaves that crowned the tops of trees, and made a sylvan shade, seemed to droop and strike against each other with a heavy monotonous sound.

He had wandered many hours when the storm and the rain again commenced. In India the storm rises suddenly. A single streak will appear in the distant horizon showing the first line of dark clouds.

That black streak will soon overspread the entire sky. The wind, whose distant moan when first heard, scarcely stirs the leaves of the giant trees, will soon rise with the strength of a hurricane, and rushing through the forest will lay low the giants of the forest, will tear off creepers that have safely rustled in their ancient trunks for years, will toss them wildly about so that they flutter like the threads of some brightly-tinted web He had nothing to eat since he had left Cawnpore. His strength was exhausted. In this state he was met by a party of mutineers, and was cruelly, like the rest of that ill fated garrison, with the exception of the two who survived, put to death.

But the Nana's triumphs were short lived. Already there were rumours of an English army advancing from Allahabad Brigadier-General Havelock, with six cannons and a thousand English soldiers, was near at hand. He was reinforced by the troops under Major Renaud and Lieutenant-Colonel Neill. Benares had already been set free, by these few English regiments, from the rebels. The rebels besieging the fort at Allahabad, had been mercilessly put to flight by Neill and his Fusiliers. The regiments were few in numbers, the commissariat stores were low, the march was not a pleasant one. And here we shall describe this march, and the first passage at arms with the Cawnpore and Futtehgarh mutineers who were acting under the orders of the Nana, in the language of the writer, to whom we have once before alluded. "As in that fantastic canvas of old Durer, whereon the knight is journeying towards an unknown goal in unhallowed company, so to the fancy of those who were not incapable of vivid emotion even inanimate and irrational nature partook of that shade of the future, which was on every soul." "They waded in a sea of slush, knee-deep now, and now breast high; while the flood of tropical rain beat down from overhead. As far to right and left as eye could pierce, extended one vast morass; and the

desolate scene was enlivened by no human sound. Nothing was heard, save the melancholy croaking of the cicadas, mingled with the under hum of countless insects. There was no indication that the column was traversing an inhabited country; except the bodies which hung, by twos and threes, from branch and sign-post, and the gaunt swine, who by the road side, were holding their loathsome carnival." Such was the country which was traversed quickly, in spite of every difficulty which offered, in spite of bad roads, of insufficient commissariat arrangement, in spite of heavy rains and hurricanes, and a scorching and blazing sun, far more pitiless than rain or hurricane. It was a small army. But it was an army of revenge:—the Nemesis, soon to right the great wrongs which had been done; in the cold blooded-massacre of infants and children; in the treacherous and cowardly breach of the solemn promise made by the Nana, through which they were entrapped to evacuate their entrenchments. On the 16th of June, the Fusiliers and the seventy-eighth Highlanders struggled up through the swamps to engage the rebel regiments which poured down in numbers to the attack. The sixty-fourth Regiment of European Infantry advanced in centre. The eighty-fourth on the left, the Cavalry supported the flanks.

In less than half an hour the action was decided. The Enfield rifle fire reached them, long before the Company's muskets could take any effect.

The enemy's guns were abandoned by these cowards, who had embued their hands in innocent blood. They were driven back to the town, and pitilessly shot as they fled through the streets. They were driven from every enclosure near the town where they sought shelter, from every house which in their flight they entered, and tried to barricade. They fled more rapidly than they had advanced. By noon, no trace of these rebels could be found within twenty miles of the town of Futtehpore. But their bodies littered the roads through which they had fled; forming the food for some days of the jackal and of the hungry hyæna. They had hitherto made war upon women and children, and men, who from the civilian's desk, and from the railway engineering departments, and from their peaceful avocations, had to band themselves in a common defence, with insufficient arms and insufficient provisions.

They now, for the first time, encountered on the open field, and face to face, not an army, but a few regiments of determined British soldiery. The Nana at Bithoor began to tremble for his own safety. He sent his brother, Bala Rao, at the head of his reserve forces to make a second stand, a few miles from Cawnpore. Bala Rao, his forces utterly defeated, and scattered broad-cast over the land, returned wounded with a ball in

his shoulder-blade, to tell his own tale of the ignominious defeat at Cawnpore.

Once more was it resolved to meet the advancing British column. This time the Nana determined to lead his own troops. But before he did so, he ordered the massacre of the three Europeans who had escaped recently from Futtehgarh, only to suffer imprisonment at his hand, and he also gave orders that all the English women and children hitherto imprisoned by him, should be killed. That order, which could only be issued by this monster, and which was in thorough keeping with the rest of his acts, was carried out to the letter. They were hacked to pieces by four hired assassins, who were sent there by him. The well of horror into which their mangled remains were thrown, has now been converted into a graceful shrine of white and chaste marble. A garden, with walks lined by flowering creepers and picturesquely planted trees and shrubs, now thrives around it. The shrine and the garden have been raised in memory of those who were thus treacherously murdered by the Nana.

This man, at the head of his troops, soon found that he had a very different enemy to deal with, from the small group composed of a few English officers and civilians, but chiefly of women and children against whom he had been fighting.

The mutineers fled at the very first onset, and although once only, when headed by him, they attempted to rally, they were soon defeated. The men dropped their weapons, stripped off their company's uniform, and fled to their villages. At night the Nana returned alone on a chestnut horse to Cawnpore. Next morning, in a disguise by which he succeeded in baffling pursuit, he fled with his wives to the forests of Oude, in hopes of getting to the wilds of Nepal. Long before he reached Nepal, he was supposed to have fallen a victim to hunger, and to the wild beasts which infest the forests of the Terai. He has never been captured, nor has he since been heard of.

The reader of the Greek Plays will remember, in the adventures of Iphiginia, in Tauris, which have formed the subject of that much admired tragedy by the Greek Poet, Euripides, as well as the libretto of the fine classical opera by Christopher Gluck, how, during the time when Troy was besieged by the Greeks, a small party were detained with Agamemnon by adverse winds at Aulis, and this, in accordance with the superstitious spirit of the times, was attributed to the anger of the goddess Diana, whose favourite stag had been killed by the renowned general.

To appease their fury, Calchas proclaimed that Agamemnon should offer up his own daughter Iphiginia—which he, under this superstitious idea, and compelled by his troops, reluctantly

did. Just, however, as Calchas is about to plunge the fatal knife in her bosom, she mysteriously disappears, and a substitute appears through the interposition of the goddess, while Iphiginia is transferred suddenly to Tauris, and is installed as priestess of the temple there. This story of Iphiginia, will serve for an illustration of India during the Mutiny.

Superstition based on ignorance had made the Brahmin sepoy fancy, that the use of the cartridge would enrage their goddess Kali. A prophecy in verse had declared, that the British rule in India would be overthrown, one hundred years from the battle of Plassey. The anger of the goddess required a sacrifice. That sacrifice was the British rule in India, which had raised India from the lowest depths of degradation and barbarism, to a level not inferior to that of other and more advanced nations of the East.

In their wildest dreams, they had hoped the prophecy would be fulfilled. But whilst yet the knife was raised, the intended victim disappeared. The prophecy was only, to a certain extent, fulfilled. The company's rule in India ceased, but in its place was substituted the government of India by the Queen-Empress, raising on the broken shafts and pillars of the company's eastern dominions, that vast fabric of Empire, which now embraces on one side the Eastern limits of the Burman Empire,* and on the other those of Afghanistan, stretching to the snows of Cabul and Herat.

This transformation, the result of acts which sprang from fanaticism and superstition, was very different from that which had been expected by the native Bengal army. Instead of the transformation they expected, they realized in the avenging army of Neill and Havelock, and of Lord Clyde, the Eumenides fiercer than the avenging furies of the Greek mythology, who pursued their rebel swarms, on every side avenging the wrongs that had been done by them.

It was during these years, that Lord Canning's patience and fortitude were called into requisition.

We do not know if there are any detailed memoirs of Lord Canning's rule, except what may be scantily gleaned out of the blue-books of the period. Lord Canning himself has left us few records of his time and rule in India. In his time, there were few opportunities of expressing his opinions or views, through the medium of public speeches. Without a Parliament of any kind, with a legislation and Supreme Council

* It is very much due to the soundness of judgment, and the firmness of will of Sir Charles Bernard, that we owe the acquisition of Western Burma, and a bloodless war.

where speeches are seldom made, and where, even during the debates on the budget, it has been the practice to read the financial statement, and on many other occasions to sit with closed doors; public speaking in India, has very little part in influencing the public mind. Oratory in India is not a power.

The power of influencing our fellow-men and subjects, either through the press or through public utterances, is not recognized. In Europe, editors of newspapers and great public speakers are considered to be the true kings of men, and those who write and influence the public, are considered the legitimate successors of the great thinking men of old, who influenced the mind and swayed the actions of the great in the heroic days of old. But so far from this being the case in India, successive viceroys have endeavoured to stop public discussions, and to establish a censorship of the press.

The periodical press of England, has always afforded the best interpretation of the facts of our political and social life, and when allied to political oratory, it has even proved an engine of political education to the people. The influence of journalism itself, in India, is still limited. But if its present power is contrasted with the past, it will be found to be greater now, in spite of the Government opposition to the press, than it was in the time of Lord Canning. According to the traditionary civilian opinions of those days, the press in India was considered to be an organ opposed to Government. This it assuredly was not, in the time of Lord Canning, nor is it so in the present day. In some solitary instances, when acts of injustice have been done, when in remote districts where the voice of the public is not heard, it has brought to light acts of arbitrary power, and has often also endeavoured to show up abuses, such as no Englishman ought to suffer, and no Englishman ought to be guilty of. In such isolated instances, it is natural that young unfledged magistrates, just out of school, armed with the highest of judicial powers, when reflections too often just have been cast on them, should dread its public utterances, and it is not very surprising, that the son of the great Canning should for a moment have established a censorship on the press, in furtherance of those civilian views which then overruled his Council. But it is a matter of the deepest regret, to those who at this lapse of time care to review his public acts. It is a blot on a fair escutcheon, which for the father's sake should have been unstained. In India, as in England, journalism is practically a new and a powerful element in advancing national life. It has grown in England to be a recognized estate of the Realm. The pen there, has always been the master of the situation. The press has been a powerful

engine of national education, and national development. The freedom of the press, has been the growth of constitutional liberty. It has been the natural ally of all good government.

It has been opposed to despotism, and to injustice, and to that exercise of arbitrary power, which is still in India the most baneful legacy of the East India Company's government. But let it be hoped that this remnant of despotism is now slowly and surely being eradicated. The last Act, enacted against press correspondents in Afghanistan during the second Cabul Campaign, will give it its final blow. In the most brilliant periods of English Parliamentary Government, when the nation was dazzled with the power and genius of great statesmen, like Walpole, Chatham, Pitt, Fox, Burke, Sheridan, Peel, and the elder Canning, it was the press that aided the Government. But for the press, all the art of those great speakers, all their fascination, their wit, their learning, the power of their oratory, the brilliance of their style, would have proved useless. The public mind would not have been moulded to their views. The orators who now speak in England, whether in Parliament or out of Parliament, speak not to the few who hear them, but to hundreds of thousands;—to the readers of the overland and outward mails, in America, in Australia, in India, in China, in the remotest parts of the globe, where the English language is spoken, and where English newspapers are read. As quickly as the great statesman, the great orator, utters his sentences, they are telegraphed and reprinted in every country in England; sometimes, indeed, in the far remote colonies of the British Empire, often in New York, in Boston, in Philadelphia. The world reads next day at its breakfast-table, what was said at three o'clock in the morning, in the great hall of St. Stephen's. And yet George Canning, the first Viceroy, but not the first Governor-General of India, endeavoured to introduce a censorship of the press of India. At this moment, people in India still wonder how the son of a statesman, whose mind was so imbued with liberalism, could have lent the weight of his great name, and the sanction of the Government which he represented, to an act which was uncalled for—and for which his best apologists have yet failed to show that he had any reasons. But in those days, Imperialism was rampant at the Council Board. Lord Canning was new to India, and India was new to him. After the great surge of the rebellion had passed away, some of the political reforms introduced by Lord Canning proved, that the mantle of the father had not ungracefully descended on the shoulders of the son. Some of his political errors were great, but he rendered at first a too willing assent to the suggestions which had been made

to him, before he had grasped the many intricate and vast problems of Indian administration.

The close of the year 1857, takes back the reader to an evening, nearly fifty years before, when the old year was passing out, and the new year coming in ; when the last sands of the hour-glass pointed to another hour flitting away into the past abyss of time. As yet the bell had not chimed the knell of the old year, which had witnessed the death-knell of many a brave heart. In those days, when no steam-whistle broke upon the midnight hour, except in distant Bengal or Bombay, when no weekly line of steamships carried passengers between India and England, unsettling Indian homes ; when no taxes made a burthen upon the private purse ; in times neither chivalric nor philosophic ; hard by a rising village cradled on the breast of a wooded mountain, on the slope of the Himalayas, which looked down upon the ill-defined ruins of an ancient citadel, no trace of which is now left ; a house cradled on the slopes of this hill, was one of the first of those houses which were built on the spurs of the mountains on which Simla then stood. In less than fifty years, up to the time of the Mutiny, several such houses had been built. We have seen Simla extend itself for miles, the Capua of the Sunny East ; we have seen Naini Tal reflect a hundred lights on the blue bosom of its lake, showing the increase of houses. Mussourie, Landour, and Darjeeling are all fast growing into importance. In 1857 Simla was a town of considerable importance.

Although there could be seen in the dim star-light, the ruins of a few native fortresses, no romance clung to these, such as would cling to ruins of ancient monasteries, or to fortresses in Europe which had their associations.

These had none. Or if they had, they were not remembered, or were uncared for by the few inmates who were making merry within the principal room of the house which we have noticed. The house itself was added on to and enlarged ; one of those old structures which here and there dotted the hill side, but which were rapidly being replaced by more modern buildings. Such was the first hunting lodge built on Simla Hill nearly fifty years before the Mutiny.

A portion of the earlier structure still held its ground, wearing to the wondering fancy, an aspect not without some shadowy and fantastic resemblance to a turret at one end ; leading through damp passages, to the modernized building with which it was now connected. In front of the house was a garden, further on were brushwood and some more ruins, bald, and fringed with clustering weeds. A wreck of broken wall, covered with grey lichens, hemmed in the sight to the west. On the east, lit up dimly by the moonbeams

a half demolished arch greeted the eye, bending beneath its mantle of green creepers; like the drooping of old age under the severity of monastic discipline.

It was pale moonlight. But one of the glass windows, which, for this occasion was opened, admitted the bitter cold. While the log fire burnt cheerily, as if to remind the inmates that though far from England, here on the spurs of the great Himalayan range, Christmas and New Year might still be kept as in the old country; in spite of the political storms which were still surging in the West, heralding the battle which was to decide the fate of France. The window looked out into the garden, which had broad walks, and on the walks and on the lawn, the snow lay thick; reminding the sitters by the fire of the Yule log in the far off old country.

The trees at Simla were not now in full blossom, as their branches bent over the wall, and above the trees rose the misty mountains in successive stages; some wooded, some bare, others in the distance not perceptible by moonlight, but in the day glistening under the rays of the sun, for at this time of the year, they are always covered with snow. In April when the plains below lie sweltering in heat, the trees in the garden of this summer Capuan retreat are starred with yellow, and red flowers. Even the trees by the rocky hill sides are covered with a profusion of flowers; bees and insects swarm, and the birds make sylvan music during the long hours.

In May, the trees and the flowers spring into radiance here. Down in the plains below, everything is dusty with the dust of the summer months; everything is baked with the heat of the hot months, every leaf is encrusted with the brown dust, and looks dried and withered, just like the leaves and trees in a photograph, but here on these hills above the plains, the spring-tide bloom reminds one of England, —the spring-tide scents, and the living murmur of bees and insects, and birds, wake ancient memories of the nooks and corners of dear old Exeter and Devon. The branches laden with flowers, and especially those of the rhododendron, scatter a very rain of pink petals and golden pollen; the birds seem delirious with delight, the very butterfly as it skims the scented air, largely imitates our butterflies of the plains, when they come up to the hills to enjoy a similar season.

In June, when the rains set in, and the fleecy clouds are changed into dull heavy ones, laden with rain, the country around becomes green, the trees become leafy, the flowers spring into life; the birds sing out merrily, their sweet little warblings being heard from a hundred different trees, and when the evening sets in, whole broods of them find shelter amongst the

branches. From July to October the weather is misty, the damp unpleasant, the clouds are wafted on from spur to spur, or appear to rest for hours on the low bosom of some well-known hill. But when the sun shines out and the atmosphere clears, the massive hills, a few miles distant, stand out with well-defined and clear outlines. They deepen into a dark blue, and stand out in bold relief against the softened outlines of the eternal snow mountains. But for that one great difficulty of the want of water for so large a population, and for a population which is ever on the increase, why should not Simla be made the capital of India, why should Matheran or Mahableshwar not be made the capital of Bombay, or Ootacamund that of Madras?

In reality these should be the future capitals of the Indian presidencies. Why should Calcutta be retained as the capital of India? This question will be criticised by hostile criticism over and over again. Major Chesney, whose work on Indian polity, when published, gave rise to some discussion, and whose want of discrimination and of impartiality will always lay him open to blame, suggested that Calcutta should not continue to be the capital. Major Chesney, in a paragraph which was quoted by the *Pall Mall*, but which is not characterised by any grace of style or any felicity of diction, thus wrote:—"It does not, of course, follow that Simla should be made the capital of India, neither was it proposed by Mr. Maine, at least, who has been so much attacked on the subject, that it should. His proposal was, that the residence of the Government at Simla should be shortened; and that camps should be established at the beginning of the cold season, near each of the great native cities, Lahore, Agra, Delhi, Lucknow, or Benares, in turn; that the Supreme Government should there proceed with such legislation as would more especially affect native interests; with the advantage of the presence of natives, who though they would willingly resort to the towns mentioned, hate and dread Calcutta. The Budget, and such like, might be discussed at Calcutta or Bombay, under the influence of local European opinion."

Although the necessities of the British Government, a century ago, made it desirable that Calcutta should then be the capital, it is not necessary to continue it as such now. The sultriness of its climate, and the damp unhealthiness of its site, will always render it undesirable as a place of permanent residence. It is far more desirable to have a hill station for the future capital than a city like Calcutta. Simla, or Naini Tal, or Darjeeling, would be far more preferable and far more healthy. A city which, during the last twenty years, has so often been condemned, can never, in the estimation of the

public, be thought a desirable place of residence, or a desirable capital for all India. Whatever Calcutta might be, and it cannot be denied that it has grown into vast proportions, it cannot be said to be a healthy city, nor can it be said to be centrically situated. On these two questions of health and centralization depend the solution to the question of the future capital for India. And on those two points more than on any other, is Calcutta eminently deficient. Under any circumstances, Calcutta can never be said to be favourably adapted for the capital of British India. Neither the force of legislation nor the presence of the Viceroy will make it a desirable capital. It may not be too much to predict, that Simla will be the future capital of India, the seat of our future Imperial Government; the place where the first Indian Parliament House will be built, the centre of those future vigorous efforts which will utterly subvert the present despotism of Imperialism, and on its ruins build up the fair structure of representative Government not dominated by the whims or caprice of civilianism, but ruling India for the interests of India, and of her resident united Anglo-Indian and East Indian Christian people. From time to time, energetic and sagacious Indian Administrators, like Sir Henry Lawrence or Sir Richard Temple, men who were not ashamed or afraid of ruling public opinion by their personal contributions to the Indian Press, have suggested hill stations as the proper seats of Local Indian Governments. From time to time, but at few and vast intervals, have risen into existence our best Indian stations—Simla, Naini Tal, Mussourie, Landour, Darjeeling, Mount Aboo, and the Pachmarees. Any place which adds to the beauty of scenery or to the coldness of climate, must in India be looked up as a desirable place of residence. To this day, English travellers to Cashmere turn with contempt to the page of Indian History which narrates the political blunder, and the crass stupidity of an administration which, for a nominal advantage, bartered away Cashmere to oriental despotism. But while the only place which was thoroughly European in its climate was given away, we have at least the satisfaction to know that Simla is still a stronghold of health left to the Indian Government of this country.

In the year 1816, the sound of the axe was rarely heard in the back woods of fir and oak, which then covered the Simla hills. In that year, a well-known sportsman, Lieutenant Ross, little dreamed, while shooting on its snow-lined crests, in March and April, that he was destined to be the founder,—if we may so use the term,—of the future capital of India. He cleared a small space of forest land, not far from the shadow cast by Mount Jacko, and built the first cottage in Simla,

to which I have alluded. Similiar cottages followed. The love of sport drew civilians and military men from the plains, to its sheltered retreats. In those days, men lived like men. They did hard and good work, but they had their holidays whenever they liked. They were in no fear of a despotism of leave rules. They were not under a Government of secrecy and secret reports.

It was an age which was fruitful in good men and true, singularly adapted to develop the energies and to establish the repute of such men as Metcalfe, Henry Miers Elliot, Sir Thomas Munroe, and Sir Henry Lawrence. Simla rapidly grew into importance. It did not, indeed, grow with the rapidity of a Trans-atlantic or an Australian city, because in India, everything is cramped, cabined and confined; but it grew, under an European climate, more rapidly than any other Indian town. It boasts of an area of eighteen square miles, from Boileau Gunge to Chota Simla, including the outlying ridges of Jacko. Not including the houses of the native town, there are now upwards of five hundred European houses at Simla. And it would not be overcrowded, if five hundred more were added. Its houses are irregular, but they are built more on an English style than the houses of the plains. The sewerage is still bad, but bad as it is, the town is infinitely better than other native towns. Its population has increased vastly. The difficulties experienced from a scarcity of water-supply, and bad drainage, have been considerably alleviated during the last decade Its mean temperature is sixty degrees. Those who seek cooler latitudes and more shady retreats, can find a change at Mushobra, Mahases Naranda, and Chini. But Simla as a residence is healthier, and better adapted for English constitutions than the cities of the plain. We have all of us read of, and shuddered at, the strange practice of the ancient Mexicans, by which they represented, in the most lively manner, the irony of the fate which lurks behind the most prosperous destiny. They selected from among their youth, the one who seemed most endowed with the highest qualities of body and mind.

They surrounded him with pomp, they sated him with pleasure, and treated him in society with the utmost deference. This lasted for a year. At the end of that year, they offered him ruthlessly as a sacrifice to their sanguinary idol. Is it impossible to trace a likeness between the case of the unhappy Mexican youth, and that of successive Governor-Generals of India? We pick out from among our nobility, the man whose moral and intellectual qualifications seem to us best to fit him for high trust and responsibility. We place him at the head of a vast empire, and we arm him with power such as is possessed by

few. But we insist on a fatal condition, as annexed to all this power and all this greatness. We require our Viceroy to hold his court in a city built in the midst of a pestilential swamp, on the banks of a mighty river that seeks the sea through innumerable channels, through a district of wild and pestilential jungle. We load him with duties, which human nature, under the most favourable circumstances, is barely able to discharge. We add to this anxieties and responsibilities, such as require the entire force of a sound mind, in a sound body, to struggle against them; and we have no right to wonder at the result. Death lurks behind all this splendour, and our over-laboured Viceroy either sinks at the post of duty, or drags himself home to his native land to languish and to die. The losses we have sustained in India have been too numerous to be fortuitous. Lord and Lady Dalhousie, Lord and Lady Canning have fallen victims to the climate: one lady in India, one on the voyage home—their husbands after their return to their native country. Two distinguished men, in the full strength of manhood, on whose well-tried ability, discretion, and courage, the country had every reason to count, who might have filled a foremost place in the Councils of the Queen, and who brought the reputation of great wisdom and great success to the conduct of public affairs, have been lost from the same cause. Mr. Wilson, the best financier India has had, in the moment when the object of his mission seemed to have approached accomplishment, died at his post, manfully battling to the last in the cause of public duty, against an unseen and unrelenting enemy—that death which lurks in the air of the delta of the Ganges.

Lord Lawrence did not survive his return to England many years. The most herculean frames, the naturally strongest constitutions, have succumbed to the stifling heat, and the oppressive sultriness of Calcutta, during the summer months and the rains.

It is true that Simla, like other places, may sometimes have its epidemics. But what place in India is free from choleraic visits, from the occasional raids of small-pox, from occasional Indian diseases, the accompaniments of an Indian climate, from some epidemics, from which even European climates and European latitudes are not entirely free? We may hope to find in this country, in the admirable political school which it affords, men on whom the mantle of our departed Indian statesmen may not unworthily fall; but can we hope that we shall be able in future to obtain such men, for the arduous and anxious duties of Indian Government? It is hard enough to be separated by half the globe from the land of one's birth, to break those ties of friendship which

a long absence will probably disunite for ever, to quit a society, probably the most attractive that the world presents, and abruptly to break off all the habits and associations that cling round an English gentleman of the highest rank. But if to these are to be added the conviction, that the labours and anxieties of an Indian career must only be regarded as the prelude to an early death, we shall no longer be able to fill our highest Indian appointments with men of the same calibre as heretofore.

We must trust to third rate diplomatists, or members of Parliament, who have made themselves useful to their party.

The destinies of our Indian Empire will pass into inferior hands, and the subject races of the East will be handed over to a different class of rulers.

These considerations are so serious, and are fraught with such enormous evils to so large a part of the human race, that we make no apology for asking whether they do not admit of any remedy.

Is it absolutely necessary that the Government of India should be fixed in Calcutta? Is there any peculiar sanctity in the banks of the Ganges, which forces us to select that most insalubrious spot, as the point from which the Viceroy is to direct the policy of this empire, and to rule the destiny of three hundred millions of the human race? Would Bombay, would Madras, would the Panjab, would Pegu, be worse governed if their rulers were placed in a healthy instead of a pestilential climate? What does India gain, by placing the Governor-General and his principal advisers in a climate, in which mental exertion must be a species of torture, and bodily activity is almost impossible? The natives of the British Isles rule India, because they are brought up in a hardier and more bracing climate, because they retain under the burning sun of the East, energies and capacities which make them superior to orientals.

Does not this fact point out to us, that it is no unimportant object to provide that these energies, which give to a handful of white strangers so incalculable a superiority over the native race, should be preserved as fresh and vigorous as possible, and be withdrawn as far as may be from all deteriorating influences of climate? There is no cause, except that found in tradition, why the residence of the Governor-General should be fixed permanently at Calcutta, and there are innumerable reasons why it should be fixed elsewhere. A Central Government may reside almost as conveniently in one part of India as in another, and there is no reason now, that the Governor-General is relieved from the immediate administration of Bengal, why his residence should be fixed in the East rather than the West, in the North rather than in the South.

Railroads and electric telegraphs, have given to all Governments something of ubiquity. It will be acknowledged that the best place for governing. is where the duties of Government will be best discharged, where the Governor best enjoys a sound mind and a sound body. Nor is there any difficulty in finding such a place. The surface of India is varied by every difference of climate and elevation, from the steaming and oppressive heat of Bengal, to the snowy regions of the Himalayan chain. In the several summer retreats, scattered amid the heights of that vast amphitheatre of mountains, are to be found places enjoying a climate perhaps as delightful as any on the face of the globe. The trees on these hills are the ornaments of our Indian gardens in the plains, and they bear without injury our damp winters and our cold springs.

Throughout the rainy and summer months, they present an aspect of verdurous green. Children on the hills recover the bloom of England. The exhausted resident of the plains draws new life. from the temperate atmosphere there enjoyed. Why, then, should not Simla be recognized as the permanent official residence of the Imperial Government? Such a charge is absolutely necessary, if the office of the Governor-General is to retain that high position, which all friends of Indian people, whom we have taken upon ourselves to govern, most earnestly desire for it.

We shall be told that such a change is not easy of accomplishment; that the traditions of a hundred years have pointed out Calcutta as the seat of the Indian Government; that public buildings have been erected, and habits formed which it is almost impossible to break through; and that the present Viceroys of India have no right to repine at inconveniences which their predecessors have borne without murmuring.

We have only to answer that, for some special reason, Calcutta has become a deadly residence to our Viceroys. Nor is that reason difficult to find. Our Indian Empire has been enlarged by repeated annexation, until, from the government of a single province, it has embraced all the races that dwell under nearly 25 degrees of latitude. The demand is for the utmost extent of European work, and this cannot be obtained under the most enfeebling of Asiatic climates. That demand has been nobly answered, and life after life has been laid down in the attempt to work an impossibility. We cannot reduce materially the weight thrown on the shoulders of those, who have to think and act for so vast a portion of the human race; but we can, if we will, place our Viceroys in a position more favourable for the discharge of their duties. If we ask from them European work, we should place them under conditions more nearly resembling those of an European climate.

The problem of Indian Government is changed. That problem is no longer now to retain a torpid inaction or leaden stagnation. We have entered here also on the career of progress. We should follow out our idea to the full. If we demand from our rulers more work than formerly, we ought to be careful to insure to them those conditions under which alone that work can be successfully performed. We and our ancestors have conquered India, and we hold it under conditions such as have never existed since the beginning of the world. We demand from it no tribute, no commercial monopoly; we seek to administer its government purely and solely for the benefit of its people, and of its permanent Anglo-Indian residents, and this we do at a sacrifice of many valuable lives.

The Mission is a romantic, perhaps a Quixotic one. But we owe it to our own character for good sense and sound judgment, to reduce the price paid for so disinterested an employment, as low as possible. England sets a just value on the lives of her children, and ought not to squander them in leading the forlorn hope of European civilization in the East. Both Lord Dalhousie and Lord Canning did not live long after their return to England from India. And what is true as regards our foremost men, is equally true as regards those Europeans who hold less prominent official positions in India, and of those men who, whether as merchants, as professional men, or as traders, have to undergo the rigours of a climate which, in the summer months, is fatal to the English constitution. Successive Viceroys, who have ruled over the destinies of India since Lord Canning, have felt this. Far better is it to be looking on dark outlines of massive hills, thrown into fantastic shapes, than on a river, foul with the dead bodies of the Hindoos. The sky, always beautiful in India—like an Italian sky—assumes that transparent blue tinge, which is so admirably copied in the paintings of Perugino; or in the pictures of Claude. The climate of India has been much, and in some instances, justly, abused. The heat of the plains makes life stagnate. The sultriness of the rains is too often, even when away from India, remembered long afterwards. The cold season is always delightful; but if there be any pleasant association connected therewith, it is this, that whether in the delightful month of December, whether in the rains of July, or in the hot summer months of April, there is always a bright sky, a sky so ethereally blue, that we might almost be tempted to forget the asperities to Indian life, when gazing up into its blue deep abysses. Why it is that such a sky,—that this ethereal blue, that this brightness, almost polar in its clear depths, should so often attract the gaze, as if it were

that in those unlimited depths we should be looking for the first faint opening—for the first dim foreshadowing of something better than fever and miasma? And that in a land so unbearable in its heat, in its climate, in its general surroundings as India.

Certain it is, that in the great hardships and sufferings which were borne in the memorable year 1857, by the unhappy residents of the plains, and especially by those who were so unfortunate as to stand a siege, the few who, in that year had the good fortune of remaining at Simla, were, at the close of the year, thankful, that their isolated and inaccessible position had freed them from those fears and anxieties, which down in the plains were experienced at every station from Calcutta to Peshawur.

And how did the close of the year 1857 affect Lord Canning, at his palatial residence in Government House, Calcutta? In Calcutta, too, was the closing of that year watched with more than unusual interest, for it was a year which had affected nearly all. Many mourned the death of friends, or of those who were nearer and dearer to them than any friends. The sobbings of the New Year were laden with the sighs, and the fitful moanings of the breeze, which came wafting over the graves of those, who, a few months ago, were in the full flush of health and of life. The New Year 1858 was destined soon to usher in a new state of things. Lord Canning might have experienced many a sad regret, as the hour struck twelve, when, as in the language of Tennyson,

> The old year lay a dying,
> And the New Year blithe and bold
> Came up to take his own.

To him what varying moods of mind did the passing and coming year give rise to! For on him, in all that broad land of India, rested a grave responsibility. How strange to him appeared the phantom of that year 1857, reeking with blood, echoing the wail for the dead and the dying; resonant with the sound of that one word, revenge, on the lips of every European in India. That year, too, was different from other Indian years. It was just becoming one of the vanished phantoms of the past. On that night, there were no steps on the floor of the Viceregal Government House, no music of foot-falls, no echo on the boards, which often before had resounded to the sounds of music, of laughter and of dancing. As the pale phantom of that year glided away into the darkness of the past, no sound arose, that made those who then were there miss its echo, through all the long year to come that was now newly-born.

Like the phantom shape sketched by Dante, it seemed to steal away noiselessly, down the carved and gilded staircase,

sweeping with light quick steps, noiselessly and still, from carpetted landing place to statued recess, until it was soon to fade into the boundless space outside. To Lord Canning, and also to how many outside of the walls of that house, did the fitful gasping sob of the old year, sound like the last wail of a dying spirit? To how many, in all parts of India, did the death of that old year awake the melancholy idea, so well indicated in the line by Dante, in the Inferno.

"E caddi come corpo morto cade."

Not the least among the momentous changes which the year 1857 had caused, and which the new year was bringing in, was one which had already been foreshadowed, in a despatch received by the Governor-General of the East India Company.

It was soon to be an accomplished fact. The extinction of the East India Company's Government, and the formal transfer of the entire Indian Government to the Crown, were to take place. The East India Company was to be no more. In its stead, over the vast domains of British India, the Empress of India and the Queen of Great Britain was to reign. The Company which sent to India Lord Canning, was, like many other great institutions, drifting away into the abysm of the past. The servant whom they sent out, was no longer to acknowledge the authority of his masters. The late Company itself was destined to pass away, adding another illustration to the things that were; affording to the moralist another memento of departed greatness, which teemed with reflections suggestive as any which were once associated with the departed greatness of the Cæsars, with the memories and the triumphs of ancient Rome; as full of morals as those connected with the marble fragments of Carthage, over which Marius wept, grander than the giants' tombs of Troy, which brought sad reflections to the mind of the great warrior Alexander,—more awful with the shadow of dead-thrones, more forcibly suggestive of the swift passage of all imperial things to their end, than even the prospect of Athens, of Corinth, of Ægeria or of Palmyra, in their decay.

The old pathetic elegies upon the glories of past greatness, crowd upon the mind, as we peruse the last page which concluded the great work of the East India Company. History has recorded too well its rise, its brilliant triumphs, and its fall. Akbar's mournful reflection on all departed greatness, may well have been written on the portals of the Company's house in Leadenhall-street.

"The sum of all in all the world is nothing after all." The evanescent triumphs of the Cæsars were not more transient than those of this once great company of merchant traders.

The letter of Servius Sulpicius to Cicero could not have added a more striking illustration of short-lived splendour and subsequent decay, than what its history has afforded. Marc Antony's exclamation: "But yesterday, the word of Cæsar might have stood against the world," might be made to illustrate the potent authority once wielded through its despatches by its chairman and its directors. In its palmy days of power, it wielded at its will the destiny of Eastern potentates. Its record formed part of the proudest and most gorgeous story of the acts of merchant princes. Never since Jason went to sea in search for the golden fleece, were merchantmen so successful. For one hundred years were its directors the actual Senate of the East.

On the ruins of the Indian Empire, they built a fabric of Government, which left no rival in the fields of the East. When the company appointed its writers, it gave to them, in point of fact, the powers of pro-Consuls and Chief Magistrates. When it named its chiefs, sovereigns and ministers of Foreign States recognized them, not indeed as rivals, but as the executive heads of the Great British proconsulate in the East. Governor-General's, who had established names for themselves in the niche of History, bent to its mandates. The proudest names of English history, names which have left an indelible stamp on the history of the East, took the origin of their greatness from their association with that proconsulate. Clive, Hastings, Cornwallis, and Wellesley, veiled their pride before their employers, and in their despatches, they "always trusted that their acts might please the Directors."

Governor-Generals—themselves the arbiters of Eastern thrones—had to acknowledge the authority and act according to the instructions which bore the sign-manual of the Directors. The simple signatures at the foot of a despatch, declared war, or concluded peace; dethroned a prince, or upset a sovereignty. They pulled down Eastern kingdoms. They set aside preferred royalties. They made their power felt within the palace walls of Delhi, in the councils of the Nizam of Hyderabad, within the walls of the palace where Scindia swayed his dusky millions; within the remote snow-clad fortresses of the chiefs who owned fealty to the Maharaja of Cashmere. Their signatures gave to the magnificent servants to the Company, their diploma to be rulers of Asia. Even in the Houses of Parliament was their influence felt and recognized.

Lord North in vain opposed the will of the Company, with all the influence of his power. Pitt and Castlereagh used all the forces of the Crown and the Parliament, before they succeeded in breaking up the monopoly of India, which was so rigidly held by the Company. In the days which

immediately preceded Lord Canning's assumption of the Vice-royalty, and especially in the days of the last pro-Consul, Dalhousie, through the Chairman's signature alone, kingdom after kingdom in the far East, was added to the superb domain of the traders in tea and silk. The Governor-General of the Company's time were virtually uncrowned Sultans. But they were more powerful than the phantom kings who ruled at Delhi, or the oligarchy of native chiefs who swayed the destinies of the subjects of Oude, or the last of those Mahratta chieftains; who had essayed to make Central India their own. Piece by piece, the glittering mosaic of the Indian Empire had been built up. From the few acres of land purchased "for a wharf" on the banks of the Hooghly, it had extended, until it had absorbed province after province. But the time came, and with it the inevitable. In the language of the Persian poet, "that which is written upon the forehead, will be done." And so it was with the East India Company. When the great struggle between the Crown and the Company took place, scarcely an effort was made to retain the Eastern Satrapy which its warriors had helped to win. Military greatness had been thrust upon the representatives of the Company who sat in Leadenhall-street, but military greatness was not what they desired. Despatch after despatch showed how little they valued their fresh acquisitions. Between the warriors in India, and the merchants in Leadenhall-street there was always a bitter feud.

They desired the spread of manufactures. Their soldier statesmen in India were intent on the manufacture of Empires; while they demanded tea and silk, Cashmere shawls, jute, indigo, pagodas, and rupees; they obtained provinces and districts, and enhanced expenditure, but they wrote out indignantly to reduce the military expenditure. The first withdrawal of European regiments heralded the Mutiny. They drove their greatest warriors wild, with their mercantile reproaches. They were the last to forward despatches which might stop trade and initiate war. But when war was once declared, they reluctantly sanctioned it. Yet province after province fell to their lot. The Mahrattas, the Panjabees, the Rohillas, the Pindarees, the warlike chieftains of Oude, the half-civilised barbarians of Assam, equally bent to the force of the stubborn will of their lieutenants as the suppler Hindoos had done before them, at the Battle of Plassey. Jewelled crowns were sent as souvenirs to the Leadenhall counting house. Their warrior agents were welcomed home in a princely way.

Formal dinners of victory were given to their delegates. Jewelled swords of honor were presented to them. And what

the delegates valued more than all, princely pensions were bestowed on those, who had, although against orders, thrust greatness on the merchant princes of Leadenhall-street. But the days of the Company were numbered, and it was left to Lord Canning to publish to India the proclamation of the Empress of Hindoostan. Among the native chiefs, those who had remained staunch were the Nabob of Rampore, the Maharajas of Gwalior, Indore, Jeypore, and Jummoo—the Rajahs of Jheend, Nabba, Puttialah, and Kapurthalla, and the Begum of Bhopal. On these special honors were conferred.

Delhi soon fell, the old king of Delhi was transported to the Andamans. His sons were killed by Hodson, and for three days their bodies were exposed to the public gaze of the populace in the Silver-street of the city of Delhi. Central India was cleared of the rebels. Oudh was re-occupied. The Sikh army, hastily organized, for a time took the place of the disbanded regiments of Bengal mutineers. In the general wreck the Company passed away, and the Queen of Great Britain, throughout all India, wherever the British flag waved, was proclaimed thenceforth the Empress of India.

When the mutiny had not yet been quelled, while the Lucknow garrison had not been saved, and Delhi not yet retaken, the passions and prejudices of the English against the native rose to a fever height. There was a bitter animosity displayed of race against race This feeling was not alone limited to the Europeans unconnected with the services. It was shared by civilians and soldiers alike. The conciliatory policy of Lord Canning towards the natives was generally condemned. He was nicknamed at the time "Clemency Canning." The following extract from a letter written at the time, by an official of large experience and high standing, will show how intensely bitter was the party spirit which then animated, at least one representative section, of the ruling European community in India.

The writing is now faded, and turned yellow; and the characters, after this lapse of years, are just barely legible. Here are a few extracts. The writer says: "It is five years since I landed in India. We have just passed through a very tempestuous, and a very critical time for India."

"I have not been an uninterested spectator, during this time, of Indian politics, or of the acts of our Government. That Lord Canning did not do as much as Lord Dalhousie would have done during the mutiny, is avowedly admitted in the highest circles at Calcutta. 'Would that Dalhousie were here' was the exclamation of many. He would have rallied the Europeans round him. He would have caressed the press. He would have headed the forces, which were pressing on to

the rescue of our countrymen at Cawnpore. What soldier would have wearied under the sun, when it burnt the lordly brow of such a Chief! But Lord Canning had the services of Neill, and Havelock, and Outram, the Bayard of the East. Also to the East flocked the Crimean heroes. Colin Campbell, Mansfield, Wyndham, Sir Hugh Rose, were all doing good service as leaders, and such men as Herbert, Wilson, Neville, Chamberlain, Nicolson, and Hodson, with their Indian experiences, were not wanting in the emergency of so grave a crisis. And yet I own, I am disappointed, not with the result of this war against our own native army, but with the action of the Viceroy. Now an impartial review of all that Lord Canning has done, the vacillating debates of the Council from the conciliation shown to the natives, and the suppressed spirit of intolerance displayed through India to Europeans, in the country, there is much to raise a bitter feeling against the Indian Government. You are a classical scholar, and in the words of laconic Horace—

'Nil admirari.'

You now read my views of the present governmemt, views such as these at the time were shared by many."

Yet Lord Canning, when not shackled by his Council, tried to rise to the emergency of the times He pushed on reliefs as quickly as he could He obtained reinforcements from the regiments which were on their way to China, and although outwardly calm, he never forgot the responsibility, which, during this period of his Viceroyalty, vested on him. After the waves of rebellion had subsided, he proclaimed an amnesty for all, with the exception of those who had been ringleaders, or those guilty of some heinous offence. Reviewing calmly the proclamation which was issued, we even now, at this distance of time, think that the calm neutrality which endeavoured to place all religions on the same footing, was a political mistake. It was, to use a metaphor, turning our backs to the fiery pillar, which in India had guided us through many dark nights

It was after the day had been won, to fold the banner of victory and to throw it aside irreverently.

It is not too much to assert that the natives of India respect us not the less, because we respect the Christian religion. But they respect us less when we discard our religious belief in that faith, which in the West, in spite of every obstacle and opposition which ignorance, superstition, or fanaticism had brought to bear upon it, had nevertheless triumphed. That faith has withstood the opposition of governments. It has equally withstood shocks from fanaticism, and attacks in our own day from atheism. The sneer of the infidel or the

irreverence of the epigrammatist, are alike powerless against its eternal truths.

The events of the world's history have proved, that instead of losing its hold on the hearts of men, it has strengthened with the growth of years, since its principles were first taught and understood in the first dawn of its infancy. Wherever we turn, we find that old prejudices, based upon superstition, are falling away from men's minds, that old fetters are being shaken off, that sight is penetrating where darkness had existed before. Nations which seemed before to be unalterably shut out from the influence of its precepts and its maxims; and races that once appeared to have opposed an impenetrable barrier to all efforts which had been made to reach their hearts, or to appeal to their reason, have been eager to enrol themselves under the banners of the Christian faith. Japan will furnish us with a singular, but not with a solitary, illustration. Some Indian districts in the Presidency of Madras, in recent times, have voluntarily followed that example. We have seen ancient nations, with an ancient civilization of their own, with old institutions and an established body of preachers with hereditary laws and customs,—throwing off their prejudices, and consenting to undergo a political and social transformation,—more like the marvels of a fairy tale, than the events of sober history. We have within our own days seen religious changes so sudden, that some apprehension may reasonably be entertained for their permanency. We have seen the growth of faith in Western nations, strengthening their national life, aiding their civilization, adding to their political strength.

We have seen, too, the growth of infidel opinion, forming to a great extent the chief disintegrating element in Western social life. We have seen, in some instances, the growth of the denial of faith, but with this, also, the increase of true light, breaking down any departures into the domains of materialism. The philosophy of Hegel and the scepticisms of Straus, have alike failed to shake the belief in the great truths of Christianity, and in the personal government of the world by higher than mundane powers. We have seen the gradual progress of Christianity in heathen lands, shattering old prejudices, dispelling old errors, dispersing ancient darkness. Christianity as a religion, has never been forced on the world. But while no one desired that Christianity should for a single moment be forced upon the masses of India, it was not expected that an avowedly Christian government, in an unchristian land, under the veil of cold neutrality, should place the religion of the classes which governed India, in the same rank and in the same category as the religions of the heathens. Christianity and civilization have, in the West, grown together.

Christianity seeks no special fostering care in the East, and even in the East it will form, whether cherished by the State or not, one of the real springs, one of the principal elements of civilization.

But whatever his opponents and critics may have had to say, at the time, much of the acrimony then felt has now passed away, and even his opponents could not refuse to give him credit for some of his civil reforms. The work which he initiated may be here briefly summarized.

The question of army reform was the most pressing, and engaged his earliest attention.

Taxes were necessary to be levied to recoup the State for the loss it had recently suffered.

Expenditure had to be reduced, especially in the overgrown department of public works.

Peculation, on the part of native contractors, had to be suppressed.

A State paper currency was needed, and was introduced.

A trained financier from England was required, as an absolute want, and Mr. Wilson, the editor of the *Economist*, was sent out. It would have been better for the financial prosperity of India, if Lord Canning's scheme for obtaining trained financiers from England had been adhered to, instead of conferring these appointments on retired Indian civilians, who had never served a day's apprenticeship in a financial office.

The Police system, during the mutiny, had collapsed. A new system was introduced. The nominal control of the constabulary by Magistrates, was found defective.

The new force had to be trained to military discipline, and were superintended by officers of the military and uncovenanted services.

The law courts had to be amalgamated. The system of nomination for the Civil Service was to be done away. Competitive examinations were in future to be enforced, for admission into the Civil Service. These examinations, held in London, were opened to natives as well as to East Indians. Legislative Councils had to be introduced; and the first principles of the representative system had to be inaugurated.

The great defect in the Indian Constitution, then was, the absence of any representative element in the Government.

It was hoped that an introduction of a popular representative element in the Legislative Council, would remedy this. But it has proved to be ineffective. To this day India has, although heavily taxed, no representative system. And yet that which public opinion and popular feeling have effected for Canada, for Australia, for the West India Islands, and the Cape, and for New Zealand, has been denied to India. The reason of this

is, that the Government of India still cherishes a liking for an oriental despotism, and the European settlers in India are too few and scattered, to make their influence felt in the State. Unless a popular representative form of an English Parliamentary Government is introduced, India will remain very much in the state that she was before the mutinies. The independent European, and the European uncovenanted interests, are entirely unrepresented in the Government. And yet this should not be. These classes represent a very wide section of the Indian community.

They alone, like the natives, have a permanent interest in its national prosperity. In another half century India may become, if she progresses as she has done, one of the most magnificent countries in the world ; and it is a political error to keep those sections most interested in India, from a share, in the administration of her affairs, or in legislating for her future advancement.

Under the title of "A statement exhibiting the moral and material progress of India," there appears year by year a blue-book, which is more wonderful, rightly considered, than any oriental romance. Wealth beyond the dreams of all the Alnaschars, glitters between its sober official covers, and sovereignty beyond the ambition of Akbars and Arungzebes, is evidenced by its chapters ; nor could the least attentive reader turn to the pages of this "Annual Statement," without understanding how well the late Lord Beaconsfield was justified when he said, "that England was in reality an Asiatic power." Up to Lord Canning's time, however, this deeply interesting annual conspectus was not easy to read, at all events, for those who must read quickly. The contents were arranged locally, and the bewildered mind was carried from topic to topic too abruptly to gather the general result. What Lord Canning tried to do, was to present the English public with a lucid and copius summary which might give the well informed an excellent account of the year's doings in Her Majesty's Eastern dominions, while the most casual perusal may have sufficed to show of what enormous moment to Britain the secure possession of our Oriental sceptre is, and must continue to be, in spite of the present Russian advance on our Western frontiers.

But scarce had hopes of a bright future been held out, then once again had the Government to battle with a fresh difficulty, in the famine which commenced in Upper India, and spread to Orissa. No sooner had the Indian Mutiny subsided, than came dread famine in its footsteps.

The traveller who attempted to journey along the high road from Calcutta to Pooree met with nothing but starvation, disease, and death, at every step. From the banks of the

Hooghly at Oollooberiah away by Midnapore to the sands of Pooree, washed by the Bay of Bengal, he saw deserted fields, empty villages, dying wretches, and putrid corpses, with dogs and jackals,—sleek and plump, feeding on the dead. If he left the highway and went into the interior, or penetrated into the malarious jungles of the Tributary Mehals and Hill States, along the scene of human sacrifices, he found either desolation or barrenness, occasionally relieved, if that may be called relief, by groups of dying savages who totter along seeking food, or families of apathetic Ooryahs who waited quietly for death without an effort to resist it. On one side are the traces of ruins which were left by the great cyclone, on the once fertile fields, made barren by the sands with which a series of inundations had covered them ; on the other, the droughts of summer had been succeeded by the deluge with which the overcharged Mahanuddy has so often swept away smiling villages and annually threatens to submerge Cuttack the capital.

Famine and inundation, commingled from time to time with insurrection and pestilence, had been the alternate scourges of Orissa, a land nearly the size of England and Wales, and occupied by only a fourth of their population. Yet not three centuries have passed since Orissa was the garden of India ; the Mecca of Hindustan, a Mecca planted in a garden of abundance. The splendid ruins all round tell what it was under Hindu rule. When, in 1850, Akbar's great General, Sivai Jey Singh, conquered the country, he was amazed at the spectacle presented by the Mahanuddy, whose banks everywhere excelled in all the signs of wealth and civilization. As he gazed on the stone temples, gorgeous rites, rich bazaars, and crowded streets of Bhuvaneswar, the old capital, he is said to have exclaimed :—"This country is not a fit subject for conquest and schemes of human ambition. It belongs wholly to the gods."

What the Mussalman began the Mahratta completed, till the garden became a wilderness and the capital, a desolation, haunted only by the jackal and the tiger. But had the benevolent rule of Christian England done nothing towards ameliorating the results of the fanaticism of the Mussalman and the cruel rapacity of the Mahratta? But little of the wealth of Orissa is now left, and Orissa now presents a contrast to its former glory. When five millions starve and die where double the number were once happy and prosperous, sending forth their ships to the far, something must be wrong. Eastern isles, and acting as the carriers of all Hindustan. Yet in this province, ruined by the cupidity of the Moslem, and the free lances of the Mahrattas, did the famine rage most strongly. The famine was not combated as in more recent times, it was met in Bengal by Lord Northbrook; but the fault was owing, principally, to his lieutenant, who ruled

over Bengal and Orissa. Colonel Baird Smith's report of the famine in the North-Western Provinces of India, should be read by those who take an interest in the evils which constantly cast a shadow on the Indian Empire.

Thus was Lord Canning's rule marked by more horrors than one, the mutiny, the massacre at Cawnpore, the famine of Orissa, but let us turn to more pleasant topics. The "Star of India,"—the Indian order of knighthood was instituted in Lord Canning's time. The Rajah of Puttialah, the Maharajah of Gwalior, the Begam of Bhopal, and the Nawab of Rampore, were the first who received the investiture. It was felt that an order of knighthood for India would be appreciated, and the first grand master of the order, Lord Canning, was empowered by the Queen to confer the honor of knights bachelor on such persons as may, from time to time, be nominated by the Queen. In the museum at Delhi, where his portrait is still to be seen, he wears that order on his breast.

So uniformly has this honor been conferred on native chiefs and members of the Indian Covenanted Civil Service only, that so far as the European community in India is concerned, it has ceased to have any special interest, the order is not coveted to render it popular, it should be extended beyond the narrow groove to which it has rigidly and jealously been limited by the advisers of the Viceroys who have succeeded Lord Canning. It will never be considered to rank, by the public unconnected with the Civil Service, with the purely English orders of knighthood. It is well-known that in A. D. 1343 Edward the Third had created the highest of English orders,—the Order of the Garter. Half a century later, Henry the VIII instituted the Order of the Bath. Queen Anne, indeed, would have established the Order of "Minerva" for literature. George the Fourth met the various claims for distinction, in 1815, by extending the Order of the Bath, and by dividing it into the three classes, of Grand Cross of the Bath, Knights Commanders, and Knights Companions, but would these honors have been desired, and sought, if, as in the case of the "Star," it was to be invariably conferred, not for merit and distinction, but on the members of a special class alone. Nothing fosters class-prejudices so much in India as this invidious distinction being always conferred on the members of one favoured class alone.

In person Lord Canning was tall, his demeanour dignified, his address precise, his articulation hesitating, his voice clear. But while his expression was dignified and calm, his forehead high and ample, a close observer would have observed a painful and habitual indecision in his lips. Irresolution was Lord Canning's chief defect of character.

The portrait hanging on the wall of the Delhi museum forcibly illustrates this. Not so were the characteristics of the chief officers who served under him. Outram was decided, although courteous and genial, Sir John Lawrence was the same, although brusque. Havelock and Neill were specially so, though constrained and not inactive. Sir Bartle Frere was tall, thin, silent, and retiring. Mr. Thomson, the Lieutenant-Governor of the North-West, was agreeable to talk to, from his modesty and from his keeping self in the back ground. He was tall and very lame. Mr. Colvin, his successor, was genial and conversible, and the Finance Minister, Mr. Wilson, though formal, and apparently ill at ease, and constrained in society, was singularly self-willed and decided in his acts Mr. Wilson was at the time the popular chief of the Finance Department, which had then been recently remodelled. There were then only two departments in India which, more than any other, had the largest element of outside talent, that is, talents which belong to men selected for special aptitude or fitness for work not belonging to the Civil Service. They were the Educational and Financial Departments. But the officers of these departments worked hard for their rewards. It may be said of the Finance Department—

"Aucun chemin, de fleurs
Ne conduit a la glorie."

No flowery road led to their promotion, latterly, nepotism crept in. There have been many greater statesmen than Lord Canning, but on none had rested so grave a responsibility.

The grave task of reform was imposed on him at a time when he was overwhelmed with a chaotic mass of record and rules, and procedure. His was the work of reconstruction. The work of such men as Clive, Hastings, Wellesley and Dalhousie, was that of conquest. They, too, while extending and cementing the fabric of the great Empire in the East, were exposed to grave and terrible crises. They had year after year laid the foundations of the Imperial edifice. They had added story after story to the splendid fabric of the East. But Lord Canning had to exercise self-reliances and courage of mind, when he had to stand undismayed amid the crash of the towering fabric of the Indian Empire.

Had Clive lost Plassey, had Warren Hastings fallen at Benares, had Wellington been defeated at Assaye, the shock to our prestige would not have been so great as it would have been, had India been lost to us during the mutiny. In the days of Clive the British had to contend against vast masses of armed Indian troops.

But those troops were undisciplined. During the mutinies we had to contend against the very armies which had been trained, and disciplined, and armed by us. In the days of

Clive the Hindu and Mussalman forces opposed to our arms, were unacquainted with any military discipline, but the easily acquired one of dying on the battle-field. We had no relations with foreign Asiatic powers; the Indian possessions in India were small and unimportant. But during the mutiny, our rule extended to the frontiers of Cabul, and we had diplomatic relations with Persia. The gaze of Europe was fixed on India. All Asia looked on with breathless interest, and watched the result of this strange war.

At the moment when the counsels of passion were strongest, when spirit rose highest, when the light of reason was most dimmed, when even calm intellects could not pierce through the cimmerian gloom which rested on the land, when the weird lights and the incendiary fires rose over scenes of torture and death, when the bubble of voices was most terrified and discordant, when every horror was aggravated, when the public mind in India was agitated to a degree which it never had been before; Lord Canning alone stood heedless of the cries and calls round him for revenge.

He had to brave the ill-feeling of his own countrymen, and opposing himself to the passions of the hour, he endeavoured by mildness, by kindness, by conciliation, to calm the subborn waters of that sanguinary rebellion. While Sir John Lawrence, the pro-Consul of the Panjab, was hurrying up his battalions to Delhi, while civilians were urgent for their restoration to their pashalics, while soldiers were fiercely intent on recapturing the last strongholds of the rebel army, Lord Canning was considering calmly and thoughtfully the best mode of again vindicating the Imperial power. And he succeeded. But that success was mainly owing to the British army, and to that higher power which overrules the destinies of India and of nations. The statue of Lord Canning, side by side with that of his illustrious father, will arrest the attention of the visitor to Westminster Abbey. Let us forget the horrors of Cawnpore,, but remember the now no longer living statesman who passed through those fiery trials, as he stands side by side with his father, sculptured in what chaste marble which distinguishes the monuments raised to the dead in the ancient fane of Westminster Abbey.

G. W. CLINE.

ART. V.—THE BENGAL TENANCY ACT.*

IN endeavouring to forecast the working of any large project of legislation in India, it is well to remind ourselves from time to time of the great gulf that is fixed between the theory of Secretariat made-law, and the practice of the agricultural community. It takes a long arm to reach the raiyat; a still longer one to touch the middleman, while the mahajan has been the despair of legislators since the beginning of time. Truisms such as these are perhaps too easily forgotten. We are apt to look at things too much from the Cutcherry point of view, and to fancy, because our files are heavy and our brains are tired, that the stir of litigation reaches far afield, and that whole districts are watching the little new law of the Courts. But away from head-quarters a quieter atmosphere prevails. There, in the village, it is always afternoon. Legal Members, with their vain imaginings, may come and go, but all the time the ricketty bullock-cart of Oriental life creaks along in its old rut in spite of the craftiest attempts at greasing its wheels with extracts from Equity text-books and cuttings from American codes.

Considering, indeed, the conditions under which laws are made in India, we may find some reasons to be thankful for the *vis inertiæ* which continually puts on the drag and prevents their action from being too rapid. Bureaucratic governments, all the world over, are peculiarly subject to the attraction of doctrinaire ideas, and in India it frequently happens that a bundle of notions, adopted by a few influential officials, may obtain prominence and recognition out of all proportion either to their intrinsic value, or to the number of persons by whom they are advocated. Our administrative machinery is so constructed as to give great leverage to individual driving-power. What is called a 'strong' Secretary, backed by partial experience, or total inexperience, intolerant of opposition, and often, with singularly slender reasons for the faith that is in him, exalts some disputable administrative dogma into an article of faith, and preaches "*hoc signo vinces*" to an official audience, until the notion has gained enough acceptance to blossom forth into a law. Facts, of course, take their revenge, but in a fashion thoroughly

* *The Bengal Tenancy Act.*—Being Act VIII of 1885. With Notes and Annotations, Judicial Rulings, and the Rules framed by the Local Government and the High Court under the Act for the guidance of Revenue Officers and the Civil Courts. By M. FINUCANE, M.A., C.S., and R. F. RAMPINI, M.A., C.S., Barrister-at-Law. Messrs. Thacker, Spink & Co., Calcutta.

characteristic of India, they take it after the event. It is only when the new engine is set to work, that the checks and balances of Oriental human nature begin to operate. At this point sad surprises await the hasty legislator. People display a shocking indifference to reforming ideas, decline to have themselves, their dwellings, or their drainage improved, and insist upon living their old lives in their old way in spite of the latest addition to the Statute book:

"Let us alone. What is it that will last;"

is the answer of the Bengal peasant to the Ulysses of the Legislative Council.

That is one side of the administrative shield,—a side which, as we have said, a bureaucracy cannot afford to disregard, least of all when dealing with measures like Local Self-Government, or schemes of social reform. There is, however, another and a brighter side represented by those cases in which the impulse towards legislation comes from below, not from above, and expresses a real want, not a mere itch for legislative distinction. In such cases the various parts of the administration work more harmoniously. The district officers, who are in touch with native opinion, serve as centres for collecting data and testing conclusions; the question is dealt with from many points of view, and the whole mass of evidence is finally collated and digested in the Secretariats. The huge series of blue-books treating of the Bengal Tenancy Act, may be appealed to as evidence that the procedure indicated above—the only safe procedure for a bureaucratic government to follow—was, in fact, resorted to in elaborating that measure. The initial impulse was given by the landlords themselves. They set the ball rolling, and everything that followed was nothing but the logical development of that first push. The bitterest critic could find no grounds for hinting that the work was done otherwise than in a most serious and painstaking fashion. By the time the Act came to be passed, a justifiable feeling had set in against doctrinaire legislation; and the various drafts which preceded the final enactment were discussed both in Council and in Select Committee, with a thoroughness worthy of the most important measure passed in Bengal since the group of statutes associated with the Permanent Settlement. All shades of opinion were represented, and the utmost attention was paid to any one who approached the subject with anything resembling a substantial knowledge of facts. So much was this the case, that one is almost inclined to complain that the spirit of compromise was too readily invoked to appease conflicting interests, and that the principles insisted on by the Government of Bengal were unduly toned down in Select Committee. We do not propose to rekindle the

ashes of this controversy. Such discussions must come to an end some time, and it seems more profitable, at the present moment, to enquire what are the leading principles of the Act as it stands, and how they are likely to work.

First, then, we may trace in many sections of the Act a tacit admission, that the theory of rent usually known as Ricardo's cannot be applied without reservation to the conditions of agriculture in Bengal. As I ventured to point out on a former occasion, when the Bill was still before Council, "that theory rests upon two main assumptions, the varying productiveness of land, and the existence of effective competition. The first is nothing more than a statement of a natural law, which any one can verify for himself, *viz.*, that the capacity of different pieces of land to yield a profit to their cultivators, varies almost indefinitely in proportion to their fertility, their cost of cultivation, their means of communication, their nearness to markets, and a number of other considerations which it would be tedious to enumerate. Hence it follows that all classes of land, except that least favourably situated, yield to their occupier a profit over and above the standard rate of profit for agricultural undertakings. The worst land must yield the normal profit, or it would not be cultivated at all; consequently the best and the intermediate qualities must yield more. At this point the second postulate comes in, and determines what is to become of the surplus. Competition among tenants for land secures that no tenant shall get more off his land than the normal profits of his trade. The balance in excess of this will be paid to his landlord as rent. Competition among landlords for tenants, on the other hand, secures that no landlord shall get more from his tenant in the form of rent, than will leave that tenant the normal profit on his labour and capital. What the rent should be in any given case is a question which the theory, as now understood, does not attempt to solve. It depends on the haggling of the persons concerned regarding a variety of intricate data which no theory could be expected to grapple with."

As regards the second postulate—effective competition—it was argued that the case is altogether different. Here we are dealing with no natural law. The question is merely whether a certain set of social conditions, established after centuries of progress in the England of Ricardo's time and our own, exist in Bengal at the present day.

To this I answer, without hesitation, that they do not. It is no doubt the case, that in certain parts of Eastern Bengal effective competition prevails, both between landlords and tenants. An exacting landlord loses his raiyats and is ruined; a fair landlord keeps his, gets more, and prospers. But in

by far the greater part of Bengal proper, and certainly throughout Behar, competition by landlords for tenants does not exist at all, while competition by tenants for land grows fiercer every year. And this competition is all the stronger and more searching, because it operates in a number of small centres—villages, groups of villages, taluks, and the like—in such a way as to give the landlord of each group practically unlimited power to adjust the rate of rent within the group. The power no doubt is exercised in very different ways by different men, and this, amongst other things, has given rise to the extraordinary diversity of rates brought to notice by certain special officers in 1882. But wherever it exists, the only check upon its ultimate exercise is not the ability of the raiyat to make better terms for himself with a neighbouring landlord, but the possibility of his abandoning his holding and sinking to the status of a day labourer, or emigrating to Assam or the Colonies. Experience has shown agricultural emigration from the more crowded to the less crowded districts of Bengal, to be practically beyond the reach of the ordinary cultivator. It is confined to those aboriginal and semi-aboriginal races who have peculiar aptitudes for reclaiming jungle-covered waste. The average cultivator is unfitted, by habit and tradition, to go forth as a pioneer. He can only stay where he is, between the landlord and the deep sea, and wait for the next famine, or, with the so-called assistance of touts and recruiters, go forth to work as a coolie in Assam or the West Indies.

If this sketch of an ordinary cultivator's position is only approximately correct, it follows that one of the main factors of Ricardo's theory—competition among landlords for tenants—is only operative in certain exceptional tracts in Bengal. Those tracts may be more numerous than I have represented them to be, but they make up a very small portion of the area of the province. And as population spreads they are continually growing less, so that we may fairly look forward to the time when they will be subject to the same economic conditions as the rest of Bengal. Those conditions may be summed up by saying that rent is determined by the principle of monopoly. The landlord, being free from competition by men of his own class, and having a complete command of the land in his estate or tenure, is virtually in the same position as a patentee, who may charge what royalty he pleases for the use of his invention. Really, the landlord is far the stronger of the two. People may get on without the invention: they cannot exist without the land. I do not mean to say that this most formidable force has as yet come fully into action. Monopoly is still tempered by custom, and hampered by certain

technicalities of the present law. But the force of custom grows weaker daily with the gradual disintegration of the old *regime* of native society. Population is increasing, caste-traditions are breaking up, and the standard of living of the landlord classes is tending to rise. "Meanwhile, the cultivating classes, for whom, under a system of monopoly, the rent forms no inconsiderable part of the cost of production, are threatened with a constant reduction of their standard of living, leading them to resort to inferior staples of food, and continually diminishing their power of resisting scarcity or famine."

The difficulty arising from the limited applicability of the western principle of Contract to agricultural rents in certain parts of Bengal is solved in the Tenancy Act by enlarging the sphere of the more ancient and perhaps more Oriental principle of Status, or in other words, by attaching to particular classes of tenants such "Rights, Duties, Capacities or Incapacities," as seemed likely to enable them to live and prosper. Legislation on these lines is not exactly a new departure, but the Tenancy Act resorts to it more freely than any previous statute, and it can hardly be doubted that many of the sections which embody this principle will impress the Courts with a sense of novelty, strangeness, and uncertainty. This circumstance in particular, coupled with the every-day difficulty of bringing a new law into real working contact with the people, offers an admirable opening for such an edition of the Tenancy Act as Messrs. Rampini and Finucane have brought out. To justify the ways of the raiyat before the law; to help the Mofussil officer to interpret the jargon of the Legislature, and thus insensibly to bring the tentative utterances of judge-made law into harmony with the complex facts of rural life—these are the main objects of the book before us. The position of the authors adds to the authority of their work. It is as if the twin-brethren of Greek legend had descended into the modern legal arena. On the one side we have Mr. Rampini, a judicial Castor, of wide and varied experience, skilled to tame the wild horses of the Bar; on the other, the executive Pollux,—πὺξ ἀγαθὸν—who wields the iron glove of survey and record-of-rights.

There are ways and ways of making law-books. One method is a tolerably simple one. Scissors, paste, and patience are the chief requisites. But it can only be applied to a law that has been in force for some time; and has got itself overlaid by enough rulings to furnish forth a book. In dealing with an Act like the present, which has introduced a number of new principles, and is as yet untouched by the judges, the average commentator would find himself rather at sea. A different mode of treatment is called for; one requiring, above

all things, the scientific use of the imagination in guessing what the Courts will do with various legislative novelties. This the authors have fully realized, with the result that instead of a mass of undigested cuttings from law reports, they have given us a series of well considered *responsa prudentum* on the chief sections of the Act.

Before discussing these in detail, it is well to mention the curious flaw in the mechanism of the Act, which rendered it necessary to pass an amending enactment before the original measure had come into force. For some years past, in all Acts which commence on a date to be notified by the Executive, and which depend for their working upon rules, the Government of India have inserted a sort of standard section, enabling the rule-making authority to frame its rules, and invite public criticism on them before the law itself has taken effect. But for this device every rule-worked Act would, so to speak, create a legal vacuum. It would sweep away the existing law and leave nothing in its place. For the new law cannot be administered without the rules which fill in its working details, and these, rightly enough, cannot acquire the force of law without going through a process of publication, criticism, and amendment, which may take several months and which cannot be even commenced without legal authority. The driving wheel is there in the shape of the law itself, but the belting and gear to distribute its force are wanting. This is what happened with the Tenancy Act in respect of the two important processes of deposit of rent and distraint for arrears. But for the passing of a supplemental Act (XX of 1885) maintaining the repealed enactments in force for a certain period, these essential incidents of the agricultural system of Bengal would have been suspended for more than a month, and the collection of rents blocked or seriously impeded just at the time when the main harvest of the year was being gathered in, and the heaviest instalment of land-revenue was about to fall due. The difficulty was readily got over, and the omission is the less to be regretted, as it had the effect of tempering the introduction of the Act to landlords already shorn of some of their privileges. There could, however, hardly be a better illustration of the importance of the journeyman-work of legislation, and of the danger that, when the principles of an important Bill are under debate to the last moment, points vitally affecting its mechanical working are liable to be lost sight of.

An interesting note on the local extent of the Tenancy Act brings out the curious fact, that no less than three full-blown Rent Acts are now in force in different parts of Bengal, besides those peculiar enactments which, while professing to leave most

things to the discretion of the local officers, practically tend, as Sir James Stephen pointed out ten years ago, to turn into law "a mass of executive orders," and thus, in course of time, build up a complicated and uncertain series of precedents, more difficult to interpret and far more barren of principle than ordinary case-law. The Bhutan Dooars and the Mehals of Angul, in Orissa, seem to be peculiarly situated in this respect. The former, of these islands of the blest rejoices in a law which simply excludes existing enactments without putting anything in their place, while the people of Angul dwell apart, like the Cyclopes in the Odyssey, in the primitive condition of having no law at all.

While the Tenancy Act is still on its trial in Bengal, it is perhaps premature to discuss at length the question of its extension to Orissa and Chota Nagpore. We may, however, take it as certain that the Act will be extended to Orissa within the next few years, if only to make the machinery of Chapter X available during the settlement of the Province in 1897. For land-revenue purposes, indeed, the extension of the Act might be dispensed with. Regulation VII of 1822, and the other Regulations which supplement its provisions, confer on the Government full power to fix the land-revenue payable by the zemindars. They do not, however, as is pointed out by the editors in their introductory note on Chapter X, enable settlement officers to enhance or reduce the rents paid by the raiyats. They restrict the powers of the Revenue authorities to the assessment of revenue as distinguished from rent, and they proceed on the assumption that rents will adjust themselves from time to time on such a basis, as to admit of a periodical enhancement of the amount taken by the State as land-revenue. The decision, then, as to the extension of the Tenancy Act to Orissa will, in the first instance, turn upon the question, whether in the interests of the land-revenue it will be necessary to enhance the rents of the raiyats. On this point no very accurate data are at present available. Let us suppose, however, for the sake of argument, that the statistical enquiries which usually precede a settlement establish beyond doubt, that the rents of all classes of raiyats in Orissa have reached a level beyond which they cannot fairly be raised. In such a case as this, the regulations would be technically sufficient for the work to be done. But they would leave the raiyat unprotected against the immediate enhancement of rent which the zemindars would naturally attempt to bring about; while if the settlement were conducted under Chapter X of the Tenancy Act, the rents of tenure-holders and occupancy-raiyats could not be raised for fifteen years from the date of the final publication of the record-of-rights. These

circumstances will probably be sufficient in itself to determine the Government to proceed under the Tenancy Act, especially if, in fixing the assessment of Orissa, regard is had to the necessity of getting some return in the form of increased land-revenue for the three millions of capital spent on canals, which do not even pay their working expenses. Here a point may be noticed, which seems to have escaped the notice of the editors. Under section 113, the temporary immunity from enhancement, conferred unconditionally upon tenure-holders and occupancy-raiyats, does not extend to non-occupancy-raiyats unless the settlement is being made under section 112, or unless the landlord applies to have a fair rent fixed under section 104. Now, section 112 is an exceptional provision framed to meet agrarian disturbances, and there would be no justification for its extension to the settlement of Orissa. On the other hand, it is hardly likely that the Orissa landlords will come forward with applications under sections 104. They will probably prefer to put pressure on the raiyat to execute an agreement for enhanced rent under section 46, or to take their chance of getting more out of the Courts under section 46 (6) than they could get out of the settlement officers. In matters of this kind, prophecies as to what people will or not do are of course mostly vanity, but it certainly strikes one that if the landlords should take the line indicated above, the *pāhi* raiyats of Orissa, already assessed as highly as they can bear, will be subjected to a good deal of unnecessary harassment. We may further remark, that it is not altogether easy to see the object of excluding the non-occupancy-raiyat from the benefits of section 112. Surely, when so elaborate a piece of machinery as a big settlement has once been set agoing, it would have been simpler and more convenient to have made its scope as wide as possible, instead of leaving a large class of raiyats to be included or omitted at the option of their landlords.

The reasons which tell for an extension of the Tenancy Act to Orissa are for the most part, inapplicable to Chota Nagore. Most of the large estates in the Division are permanently settled, and in the three districts of Hazaribagh, Lohardagga and Singbhum a special Rent Act is in force, which was drafted by officers of great experience in that part of the country, and in spite of minor blemishes, works well on the whole. There are, moreover, very special grounds for deferring the extension of the Tenancy Act to these districts for some years to come. Leaving out of consideration the district of Singbhum, a wild and backward tract, where law is likely to be at a discount for the next fifty years or so, the districts of Hazaribagh and Lohardagga are afflicted by a pecu-

liar system of land measurement, which reacts upon rents in a manner requiring very delicate handling. On the plateau of Lohardagga and in a large portion of Hazaribagh, land measures, in the ordinary sense of the word, do not exist, as the terms supposed to indicate amounts of land do not correspond to any uniform superficial area. The unit of area is either the quantity of land which is supposed to be capable of receiving a variable amount of seed, or a fraction of the fluctuating cultivated area of the village. As an instance of the result which this system may produce, it may be mentioned that in fifty-two villages, carefully measured some years ago, the average size of the standard unit of area, assessed to a uniform rate of rent, was found to range from 4 to 34 bighas. By the operation of causes, too intricate to be analysed here, the rents of land in the Pergunnahs, where these eccentric measures are in force, have been brought into a state of chaos beyond all description. Rates for identically the same classes of land vary from field to field, from holding to holding, from village to village, and this confusion puts a premium on attempts by the landlords, mostly immigrant speculators from Behar, to extort exorbitant rents by illegal pressure and vexatious litigation. Fortunately for the cultivators the executive authorities have in their hands a remedy which, if wisely applied, will settle the difficulty once for all. A large number of estates, scattered pretty evenly over the two districts, are managed by Government officers, under the Chota Nagpore Estates Act and the Court of Wards. Following the policy accepted for Chota Nagpore by Sir Ashley Eden in 1881, a Settlement-officer has been appointed to measure these estates, to record the rights of all classes, and to fix fair rents under section 24 of the Chota Nagpore Rent Act, which empowers the Deputy Commissioner to "fix such enhanced "rent, or otherwise alter or vary the rent * * * as to him "may seem fair and reasonable, for such period, not being less "than ten nor more than twenty years, as he may think fit."

We may be permitted to hope that this exceptional opportunity of conferring a lasting benefit on the cultivators of an enormous tract of country, will not be thrown away by a pedantic adhesion to preconceived ideas. Everything will depend upon the system adopted in fixing the rates. The existing state of things is so utterly chaotic as to amount virtually to a *tabula rasa* upon which the Government may inscribe pergunnah rates, such as were contemplated by the authors of the Permanent Settlement. The conformation of the country favours this mode of dealing with the question, as the division into pergunnahs, by whomsoever introduced, is essentially a natural one, and is universally recognized by native agriculturists

as corresponding to certain peculiarities of soil and climate. Pergunnah rates, fixed with due consideration for the characteristic differences of the areas under settlement, offer the best prospect of helping the cultivators in the agrarian troubles which will set in as soon as the country is opened up by the Bengal-Nagpore Railway and its feeder roads. We must, however, have the courage of our opinions and put section 24 of Act I of 1879 to the use contemplated by its framers. If an attempt is made to abide by a hard-and-fast formula, and to adjust the rates on any definite relation to the existing rent, we shall merely substitute a chaos of bigha-rates for a chaos of seed-rates, and thereby play into the hands of the land speculators who have already made enormous profits out of the present confusion. For whatever may be the case in Pubna and the few Eastern districts, where comparatively well-to-do raiyats have learned the strength of combination, there is no gainsaying the fact, that the penniless non-Aryan cultivator of Chota Nagpore is no match for a landlord with money, and that the mere threat of litigation is often enough to secure wholesale enhancement. Diversity of rates is the opportunity of the speculator; uniformity within natural limits, the safeguard of the cultivator.

So long as the primitive system sketched above survives, it would manifestly be impolitic to extend the Tenancy Act to the three less advanced districts of Chota Nagpore. In Manbhum the case is different. This district, though technically included in a non-Regulation Province, differs in no essential particulars from an ordinary Regulation district of Western Bengal. In a large portion of the district, pergunnah rates of rent have been fixed, and the cultivators secured from arbitrary exactions. If the Tenancy Act were introduced to-morrow, it would confirm the right of occupancy which local custom accords to every resident raiyat, and which the unfortunate construction placed by the Courts upon Act X of 1859 has not yet broken down; it would strengthen the position of the holders of clearing tenures, and it would promote the construction of works of improvement which the present law tends to discourage by offering no security for an adequate return on the expenditure incurred.

In discussing section 3 (1), the editors are careful to bring out the point, that, "the ordinary rent-law of Bengal as contained in this Act applies to Government estates, as well as to estates managed by the Courts of Wards and ordinary estates." The decision arrived at by the Legislature on this point may doubtless be accepted as final. It would, at any rate, be extremely difficult for any future Government to retrace its steps and to undertake legislation on the lines of the Bengal Act VIII of 1879. For all that, we may venture to express a regret that the spirit

of compromise was strong enough, when the Tenancy Act was passed, to induce the Council to abandon the well-established principle that the State has the sole right to determine the proportion of the produce of every bigha of land to be taken as revenue. If, as Lord Cornwallis held in 1790, the zemindar's claim to "a "certain percentage upon the rents of their lands has been "admitted, and the rights of Government to fix the amount "of those rents at its own discretion has never been denied or 'disputed," surely where the proprietary interest is merged in the paramount title, the State might, in the interest of the general tax-payer, have been trusted to assess its immemorial dues by the agency of its executive officers.

In their note on section 3 (2) defining proprietor, the editors throw out the suggestion, that the sub-Terai jotedars are proprietors, and their tenants are raiyats. We doubt whether this opinion will commend itself to the Board of Revenue. In the Western Duars of Jalpaiguri and in the Darjeeling Terai, where most of the holdings referred to are situated, Government is the proprietor, and the jotedars consequently are either tenure-holders or raiyats according as they come under the first or second sub-section of section 5. In other words, if they acquired the right to hold their land for the purpose of collecting rents or bringing it under cultivation by establishing tenants on it, they are tenure-holders. If, however, the original purpose of their tenancy was to cultivate land themselves or by members of their family, or by hired servants, or with the aid of partners, they are raiyats. In this case their tenants will be under-raiyats, and cannot acquire occupancy-rights except by custom under section 183. The principle extracted from various decided cases, and now embodied in the law is, that the original purpose with which the tenant was let into cultivation, forms the test by which his subsequent status is to be determined. Applying this test to the case of the Terai jotedars, in what class do they fall? Looking first to the intention of the landlord, we believe the settlement records will show that Government intended to create not tenure-holders, but *raiyats* who should work through hired labour or *metayer* tenants, and thus bring under cultivation large holdings of virgin soil. If this view is correct, the jotedars belong to both of the two classes defined by the Act, and cannot be finally relegated to either. The further question arises, what will be the effect of the hundred-bigha presumption of section 5 (3)? Will the settlement papers suffice to rebut this, and what view will the jotedars take of their own interest in the matter? The problem is a pretty one and will demand careful consideration, before the Tenancy Act is extended to that part of the country.

Under section 3 (10) defining "village," it is stated that "Revenue-survey maps have been prepared for all the territories subject to the Lieutenant-Governor of Bengal, except the Chittagong Hill Tracts, and the Daminikoh Tracts in the Santal Parganas." There seems to be some misunderstanding here. The Hazaribagh District, for example, was surveyed by the Revenue Survey under Captain Hunter Thomson between 1858 and 1863; but the survey was condemned as inaccurate, and the whole area was again surveyed topographically between 1870 and 1873. This second survey merely aimed at delineating the physical features of the country, and did not determine village boundaries. In Lohardugga the sub-division of Palamau was surveyed by the Revenue Survey between 1862 and 1866; but the rest of the district, comprising an area of 7,784 square miles, was only surveyed topographically. So, also, in a large portion of Manbhum either no Revenue survey was made, or its results were found to be faulty. To this extent the statement contained in the note appears to be incorrect.

Under the head of "agricultural year," section 3 (11), it may be added for the sake of completeness, that in parts of Lohardagga and Hazaribagh, the Sambat year, commencing 57 B. C., is in force.

In discussing section 3 (18), which defines the term registered, the editors observe:—

"It would appear that a registering officer cannot refuse "to admit to registration a contract made between a landlord "and a tenant, purporting to bar in perpetuity the acquisition "of an occupancy-right, or contravening in any other way the "provisions of sections 178 and 179 of the Act, though such "contract would be illegal and invalid." They go on to notice, as a curious fact, that a sub-lease for more than nine years is the only instance in which registration may be refused on the ground of the illegality of the document. On this it may be remarked first, that the reference to section 179 is clearly an oversight, as that section merely saves the right of proprietors to grant permanent leases, and extends that right to the holders of permanent tenures. The limitation of the right to refuse registration to the case of a sub-lease executed by a raiyat in contravention of section 85 (2), appears to be imposed in the interests of tenants. For, in a certain proportion of the cases contemplated in section 178, the illegal provision, whatever its nature, would form part of a contract admitting the tenant to occupation or continuing his tenancy, and it would clearly be inconvenient and frequently unjust to the tenant to refuse registration of the document, because it happened to contain a single illegal clause.

Chapter III, dealing with the important subject of tenure-holders, has been very fully examined, and it would be difficult to add much to the notes. One slight omission may be noticed in the note on section 6. The editors say, "The "provisions of the present section are the same as those "of section 51, Regulation VIII of 1793, with the exception "of a slight change in the wording of clause (*b*) neces-"sitated by the fact that the enhancement and reduction of rent, "owing to increase and decrease of area, are provided for by a "subsequent section." It would perhaps have been well also to point out that the words "by local custom" have been substituted for "by the special custom of the district" in section 51 of the Regulation. We do not pretend to say that the alteration is material, and that a tenure not enhanceable "by the special custom of the district" would be enhanceable by "local custom." And in any case the danger so frequent in India, that a re-adjustment of boundaries undertaken on grounds of administrative convenience may, in some left-handed fashion, bring about an alteration of the substantive law of a locality, is of itself a sound reason for eliminating from the land or term the meaning of which is liable to variation. But in an old standing section of this kind, which has formed the battle ground for many hotly-contested cases, and has been overgrown with numerous rulings, a writer of text-books errs on the safe side by noting the minutest change; while an ordinary reader may be excused for thinking that "local custom" sounds more general than the phrase "special custom of the district."

To appreciate the full importance of Chapter III of the Act, we must look somewhat below the surface of the existing zemindari system. Estates in remote and backward districts still furnish examples of a state of things, which at one time must have prevailed over the greater part of Bengal. We see there how a weak-minded and illiterate zemindar, demoralized by zenana influences, gathers round him an army of sycophants, whose chief ambition it is to pick up substantial tenures in return for services often not unworthy of record in an Oriental version of the Contes Drolatiques. The Brahman who maintains the Raja's standard of ceremonial orthodoxy, the Káyasth who writes up the bewildering pile of *lawázima* papers, the up-country Rajput or Babhan who goes forth with a big *láthi* to levy a cess or coerce a troublesome tenant, the Kahár who brings the Raja water and shampoos his feet, and that invaluable gossip and scandál-monger the barber—these are the men who found families and grow fat upon the spoils of the Raj. The great Rámghar and Pachete estates abound with *brahmottar* and *jágir* tenures created as rewards for personal services of various kinds, while Hajjámi tenures are common everywhere. Even

In estates under European management, instances of the reckless creation of tenures are not wanting. One of the most valuable *patni* tenures in Bengal, which has been in European hands since the beginning of the century, and has contributed in no small degree to the prosperity of a well-known firm, is full of permanent tenures held by the descendants of the up-country *láthiáls* imported in more turbulent times to protect the factory and popularize the cultivation of indigo. Free-handed managers of the last generation, men of little law and less foresight, sowed this crop of dragon's teeth for the discomfiture of their successors, who have not hitherto prospered greatly in their attempts to raise the nominal rents of their tenants through the agency of the Courts. Notices of enhancement under Regulation VIII were difficult to frame in proper form and even more difficult to serve; there was no settled measure of enhancement, and the liability of the tenants to pay increased rent for land held by them in addition to the original area of their grants, was vigorously contested. The campaign will now be continued under the Tenancy Act, and will be watched with interest by the numerous landholders in Bengal, who are anxious to take back the gifts given by their ancestors. On the whole, the Act appears to tell in favour of the landlord. The impracticable notice has been dispensed with; and the measure of enhancement may be either the customary rate paid by the holders of similar tenures in the vicinity, or the amount deemed fair and equitable by the Court, subject in the latter case to the condition that the tenure-holder is to get a minimum profit of ten per cent. on the net collections. The proviso will be small comfort to a man whose original grant has expanded into a whole village, while his rent has remained stationary, and who is rich enough to ride on his own elephant when he comes to pay his rent. Last and most important of all, section 52 provides that every tenant shall be liable to pay additional rent for all land proved by measurement to be in excess of the area for which rent has been previously paid. In working these rules much, of course, will depend upon the interpretation placed by the Courts on that convenient phrase "fair and equitable" in which the Legislature takes refuge when confronted with a problem which no formula will avail to solve; but the history of previous litigation between zemindars and their tenure-holders seems to justify the conjecture that Chapter III of the Tenancy Act will materially strengthen the position and augment the rental of the former at the expense of the latter. Considering the conditions under which so many tenures were created, we are not prepared to say that the result foreshadowed is one to be greatly regretted.

If the importance of a group of legal provisions may be measured by the range they cover, the number of interests they affect, and the possibilities of litigation they open up, Chapter V of the Tenancy Act may fairly rank among the most noteworthy achievements of the Legislature since the beginning of the present century. Agreement as to its merits is of course out of the question. One school of thinkers will condemn the Chapter as a sweeping act of confiscation; another will mourn over it as a weak-kneed surrender of the rights of the cultivators; a third, perhaps more reasonably, will regard it as the utmost that could be done at the present time of day to redeem the pledges given to the raiyats by the authors of the Permanent Settlement, and to restore the ancient and customary law of the country under which all raiyats, except palpable nomads, were held to have a right of occupancy in their holdings so long as they paid the standard rateof rent. Traces of this common law still survive in remote parts of Bengal where old custom and tradition have resisted the insensible influence of the statutory limitation introduced by Act X; and it is this state of things which the new law will tend to re-establish.

The editors have wisely refrained from attempting to forecast the working of section 20 on a large scale. They notice the importance of the changes in the law and explain that the provision "giving raiyats rights of occupancy, provided they have held any land in the village for twelve years, has been introduced to prevent zemindars from debarring their raiyats from acquiring rights of occupancy by shifting them so as not to allow them to occupy the same land for the full period of twelve years." On the presumption introduced by sub-section (7), they remark:—"It has been inserted in the Act in consideration of the great practical difficulty experienced by raiyats in proving their occupancy-rights, owing to the general non-interchange of pottahs and kabuliyats under the present law." Noting the condensed and somewhat awkward expression "general non-interchange" as open to improvement, we may add that, in some parts of the country, the relation of landlord and tenant is created by solemnly delivering to the raiyat a clod or lump of earth (*goti* or *dhela-pattá*), a form of transfer which takes us back to legal symbolism of the most primitive type, but has certain disadvantages as a record of a disputed transaction. Pottahs, kabuliyats, receipts, lawázima papers, all these are unknown, and a Raja of our acquaintance met with some difficulty in effecting a usufructuary mortgage of his estate, because he was unable to produce to the would-be mortgagee any zemindari accounts showing what the annual collections might be expected to amount to. Even where receipts are

supposed to be regularly given, the system of collection is so irregular, the mode of attestation so uncertain, and the paper in use so flimsy, that a raiyat whose family has been in possession for generations, may have difficulty in establishing twelve years' occupancy from a bundle of dirty scraps of paper of all shapes, sizes, and colours, signed by a number of different gomashtas, each of whom perhaps only held office for a few months. No one who has had to adjudicate on evidence of this kind, can question the justice of the presumption now introduced. Its effect no doubt will be to secure the large majority of raiyats throughout Bengal in the undisturbed enjoyment of occupancy-rights. In dealing with the rules of enhancement, we shall see what counterbalancing advantages have been conferred upon the landlords.

In their note on section 21, the editors point out that section 178 prevents a raiyat from contracting himself out of the status the law has conferred upon him, and they add, "but it would appear that the object of these restrictions may be defeated owing to the provision in sub-section 7 of the preceding section, under which, in a proceeding under this Act, a raiyat may admit that he has not for twelve years held any part of his land as a raiyat, and if he does so, the Court or Revenue-officer before whom he makes this admission would appear to be bound to accept it as correct. In other words, the raiyat may admit he is not a settled raiyat, and his admission must be accepted even though it be contrary to the real facts of the case." Here, it seems to us, the critical tact of the editors is somewhat at fault, and the danger apprehended by them wholly imaginary. Let us see how matters stand. Sub-section (7) of section 20 runs as follows :—

"If, in any proceeding under this Act, it is proved or admitted that any person holds land as a raiyat, it shall, as between him and the landlord, under whom he holds the land, be presumed for the purposes of this section, until the contrary is proved *or admitted*, that he has for twelve years continually held that land or some part of it as a raiyat."

Now, any proceeding under this sub-section must be either a regular suit before a Civil Court or a proceeding before a Revenue-officer under Chapter X of the Act. It is not our experience of civil litigation that any class of persons are unduly eager to fool away their rights by gratuitous admissions in Court. Out of Court, indeed, if taken unawares, and pressed on matters the bearings of which he does not exactly understand, the raiyat may sometimes be brought to make admissions not altogether to his advantage. The *sharh-námas* or specifications of rent-rates in some Behar estates, and certain proceedings in Mymensingh, are instances of what we mean. But quite as

often, even when he stands alone, the raiyat takes refuge in a stolid refusal to make any statement at all—an attitude which experience has taught him is a tolerably safe one. Once in Court, his mukhtiar may be trusted to look after him, while the presiding officer will usually have sufficient control over the case to secure that persons who make important admissions shall at least know the consequences of what they say. That hard worked and painstaking official, the Mofussil Munsif, "Pannosus vacuis Ædilis Ulubris" is anything but a *roi fainéant* in his own Court. He gets very little assistance from his meagre Bar, and if he wishes to avoid remands, has to watch his cases carefully, and conduct a great part of the examination of witnesses himself. In his hands the raiyat is perfectly safe.

So far as to admissions made in Court. The only other admissions to be considered are admissions made before a Revenue-officer under Chapter X. On this point Rule 23 of the rules made by the Bengal Government for the working of the Act lays down the following procedure for the guidance of Revenue-officers engaged in making a record-of-rights :—

"The Revenue-officer shall ascertain what raiyats are non-occupancy (*sic*), and to this end he shall be entitled to call upon the landlord or his agent to produce a statement, showing the names of the raiyats alleged by him to be non-occupancy-raiyats. On production of such statement, the Revenue-officer shall explain to the raiyats whose names are entered in the statement, and who have not already been recorded as occupancy or settled raiyats the nature of the presumption raised by section 20 (7). If after such explanation, a raiyat admits himself to be a non-occupancy-raiyat, he shall be recorded as such. If he does not admit himself to be a non-occupancy-raiyat, the Revenue-officer shall call on the landlord to prove the allegation made by him in regard to such raiyat."

In the face of the elaborate safeguards interposed by the practice of the Courts on the one hand, and the positive rule of the Executive on the other, we submit that the passage quoted above from the note on section 20 (7) is wanting in the balance and breadth of view for which the book is elsewhere conspicuous. It states the case incompletely, and appears to imply that the law is defective on this point, and that all the precautions taken to strengthen the raiyat's position are likely to be defeated by his own admissions.

In examining the provisions which deal with the enhancement of rent, it is well to have a clear conception of the standard by which the attempts of the Legislature to solve a difficult problem may fairly be judged. No one, we suppose, expects the Council to have discovered what Mr. Bonamy Price calls

"a beautiful theory of science, which could shed illumination over each and every settlement of the complicated inquiry, what the rent of a farm shall be." Such a theory has been the dream of economists for years past, but has not yet emerged into the world of waking realities. All essays in that direction, including a most elaborate one propounded by an eminent Behar official in 1884, have broken down when applied to concrete cases, either because the data which they demanded could not be ascertained, or because the very simplicity and symmetry, to which their charm was due, were attained by ignoring those elements of rent which would not square with the theory. Be this as it may, the facts have so far made short work of the formulas, and no one would ask the Council to go on rolling cheeses down the hill. What we may fairly expect, however, is that the directions given to the Courts prescribing the method to be followed in dealing with the question shall be free from ambiguity, practically workable, and consistent with other portions of the Act.

Tried by this test, we find that, according to Messrs. Finucane and Rampini, the rule for enhancement by prevailing rates stated in sections 30 and 31 is ambiguous in so far as it does not settle whether the prevailing rate is to be (*a*) an average of the rent paid for particular classes of land; (*b*) the rent paid by a majority of the raiyats who hold such lands. If the former solution is correct, the phrase "prevailing rate" is a contradiction in terms, as a rent which no one pays can scarcely be said to prevail. There is also the objection, pointed out by the editors, that successive suits judiciously conducted will gradually raise the average up to the maximum rate actually paid. If the second alternative is preferred, we are landed in the further difficulty of having to determine what is meant by a majority of the raiyats. On the whole, we prefer the latter interpretation as being both more consonant with facts, and more likely to work towards what we regard as the true object to be kept in view, the stereotyping of rates for particular classes of soils. Anyhow it makes less strongly for the unrighteous system of levelling up than the method of averages.

In the second ground of enhancement, that there has been a rise in the average prices of staple food-corps (sections 30 and 32), the editors also find an ambiguity likely to give some trouble to the Courts. They say, "It is, however, an open question whether the Court is bound to take two decennial periods *during the currency of the rent* for comparison, or whether it can take for the purpose a period anterior to the currency of the present rent." The question is a difficult one, and it is only from the stand-point of the "irresponsible indolent reviewer," that we venture to propound

any answer at all. Section 30 lays down that a landlord may sue to enhance the rent of an occupancy-raiyat on the ground "that there has been a rise in the average local prices of staple food-crops during the currency of the present rent." Reading this as it stands, it appears to us to raise the two following issues :—

(i) During what period has the present rent been current ?

(ii) *During that period*, has there been a rise in the average local prices of staple food-crops ?

The burthen of proving both issues would rest upon the landlord who sued for enhancement. If he failed to establish the second, that is to say, if prices had been stationary during the currency of the existing rent, his suit would fail so far as that ground of enhancement was concerned, and no question as to the application of section 32 would arise. In other words, in order to bring in section 32 with its comparison of periods and proportional adjustments of rent, it is first necessary to prove that prices have risen *during the currency of the present rent.* Supposing this to be proved, what comes next ? How is section 32 to be worked ? Let us take the following illustration, which is merely an expanded version of the example suggested by the editors at pp. 66-67 :—

Years of tenancy.		Average price of rice per md.	Rent per bigha of holding.
	1830-40	Rs. 1 0	Re. 1
	1840-50	Rs. 1 2	Rs. 2
	1850-60	„ 1 4	„ 3
	1860-70	„ 1 6	„ 5
Currency of present rent.	1870-75	„ 1 8	„ 6
	1875-85	„ 1 12	

It will be seen that, as in the case stated by the editors, "prices have risen since the period 1830-40 by 75 per cent. while rents have risen 500 per cent." The landlord sues in 1886 for enhancement on the ground of a rise in prices. He proves by Gazettes, commercial price-lists, or mahajans' books, that the average price of rice has risen from Rs. 1-8 to 1-12 between 1870 and 1885, the period of the currency of the present rent. Having thus brought in section 32, he asks the Court to compare the average prices during 1875-85—the decennial period immediately preceding the institution of the suit, with the average prices

during the decennial period 1830-40, and to decree an enhanced rent of Rs. 9 on this basis. Prices have risen 75 per cent., but one-third of this must be deducted under section 32 (*b*), to allow for the greater ratio in which cost of production has risen; consequently the rent can only be raised by 50 per cent. Now we ask in terms of section 32, is it equitable or practicable for the Court to take the period 1830-40 for comparison? Practicable it may be, if evidence is forthcoming to show what the average price was at that time. Equitable, we submit, it is not. For each successive rise of price which has taken place during the five and thirty years under consideration, has been followed by a more than corresponding increase of rent, so that to make the proportion of the latest price to the earliest price the measure of enhancement, and then to apply that proportion to the latest rent, is simply to enhance several times over. The same objection applies in a less degree to any other period outside the currency of the existing rent. It seems to us then, that in the case supposed, the Court must fall back upon section 32 (*c*), which allows the substitution of shorter periods, must compare the decennial period 1875-85 with the quinquennial period 1870-75, and must decree an enhanced rent of Rs. 6-10-8 instead of Rs. 9. If we are correct in holding that the Courts cannot travel outside the currency of the existing rent, there will be a double difficulty in getting decennial periods for the purpose of comparing prices, first, as the editors point out, that raiyats' rents are ordinarily enhanceable after fifteen years; secondly, that if, in order to bring in two *decennial* periods, the landlord admits that the existing rent has been current for twenty years, he will thereby raise the presumption affirmed in section 50 (2) that the raiyat has held at that rent or rate of rent since the time of the Permanent Settlement. We may be permitted to hope that action will be taken under the proviso to section 50 to wipe out a presumption.

The reading of sections 30 and 32 suggested above differs in some respects from that propounded by the editors. Their view appears to be that in the case stated, "the Courts should refuse to decree any further enhancement of rent till the rise in prices become proportional to the rise in rents which has already taken place." But will prices ever overtake rents in the manner supposed? Or, will the peculiar incident in the price of staple food-grains, possibly perceived by Adam Smith, and clearly stated by Professor Cairnes, assert itself in India? In other words, will the advance in the price of the staple food, after attaining a certain elevation, react upon population, and checking the demand, arrest the extension of cultivation nd by consequence the advance of normal price? The

question is not one to be answered here, but the result indicated, should it ever come to pass, will at least provide the landlords with matter for reflection on the ἐχθρῶν ἄδωρα δῶρα proffered to them in the sections we have been considering.

The editors have been sparing of comment on section 39 of the Act, which provides for the preparation of price-lists of staple food-crops. It is, we think, to be regretted, that "the Local Government has determined for the present not to prepare price-lists for past times owing to the absence of necessary data." This line of action is open to misconception as withholding from the landlords the means of taking advantage of sections 30 and 32; and it may even operate to the detriment of tenants by leading the Courts to adjudicate upon less trustworthy evidence than a Collector with a thorough knowledge of the resources of his district might be in a position to supply. We take leave, moreover, to doubt whether the absence of necessary data may not have been exaggerated. Our impression is that the books of *mahajans* in places like Chetla Hât, Raneegunge, Ghattal, &c., might be made to yield a fairly accurate record of prices for past years, though the process of compiling it would be complicated by the *mahajani* handwriting which looks so easy and is so difficult to read. Probably small local Committees would be the best agency for working the question out, but much tact would be required in selecting the members, and their conclusions would have to be tested by careful comparison with the existing subdivisional price-lists.

The wording of section 39 (7) may be noticed as curious. It requires the Local Government to "make rules for determining what are to be deemed staple food-crops in any local area." This reads as if the Legislature had been under the impression, that the Local Government could evolve from its inner consciousness some mechanical formula to meet the point in question. No such formula, however, was forthcoming, and the obvious device of laying down that the crop most extensively grown in any local area should be deemed the staple food-crop for that area, was open to the objection that no one can say with statistical certainty what crop is most extensively grown in some local areas. In a place like Diamond Harbour, indeed, a *nazar paimâish*, or general look round, is enough to satisfy any one that the staple crop can only be rice. But in many parts of Behar the problem is by no means so simple. Solved it has been, in a sort of way, by the rules under section 39, of which we can say little more than that they make the best of an ambiguous delegation of authority, and that the question of their validity must be left to the Courts.

Before leaving the section, we may draw attention to the fact that the rules under it make no express provision for reducing to any regular standard, the indefinitely varying measures of weight and capacity current in local bazars. The point seems to have been left to the Board of Revenue or to the discretion of the "gazetted officer, not below the rank of a Sub-Deputy Collector," who is charged with the preparation of the lists. It is, however, only part of a larger question, in connexion with which we venture to hope that the working of this portion of the Act may indirectly draw attention to the necessity of action being taken, either under the Act of 1871 or by fresh legislation, to promote the adoption of uniform weights and measures of capacity in India. That such weights and measures should be authoritatively prescribed by Government, and their use stringently enforced, is entirely in accordance with the feelings of the people themselves, and some such state of things seems to have been contemplated by the framers of the Penal Code.

In connexion with the chapter on under-raiyats, it will be convenient to draw attention to certain obscure points in the Act noticed by the editors. In the first place, the interest of an under-raiyat is nowhere defined in the Act. The definition of "holding" is limited to a parcel or parcels of land held by a raiyat, while it goes without saying that an under-raiyat is not a tenure-holder. Consequently the unfortunate under-raiyat is left, so to speak, in the clouds, and the uncertainty of his position makes it doubtful whether, in spite of section 89, an under-raiyat may not be ejected by his landlord without resorting to the Courts. This, however, can hardly have been the intention of the framers of the Act.

Next there seems to be some confusion about the expression "lawfully payable," when applied to the rent of an under-raiyat. Rent is defined in section 3 (5) as whatever is lawfully payable for the use of land. Section 48 lays down that the landlord of an under-raiyat shall not recover rent exceeding the rent which he himself pays by more than 50 per cent. when the under-raiyat holds under a registered lease or by more than twenty-five per cent. when he does not. Section 75, again, permits every tenant, including an under-raiyat, to sue for a penalty when his landlord exacts from him any sum in excess of the rent *lawfully payable*. In their notes on these sections, the editors distinguish between "lawfully payable" and "lawfully recoverable," and state as a probable conclusion, that a raiyat-landlord, collecting from his under-raiyat an amount in excess of the limits laid down in section 48, will not necessarily render himself liable to the penalty provided in section 75.

This is a most comfortable doctrine, and we hope it may turn out to be sound. To make it complete, it requires to

be supplemented by some explanation of what the words "lawfully payable" in section 75 actually mean. The note merely tells us what they do not mean. Perhaps we may hazard the conjecture, that "lawfully payable," in the case under discussion, would mean the rent the under-raiyat had agreed to pay irrespective of the limit fixed by section 48.

A similar difficulty may arise, when a record-of-rights is being made under Chapter X of the Act, whenever the rent, which an under-raiyat has agreed to pay to his raiyat-landlord exceeds the limit laid down by section 48. The point to be determined is, which rent shall be recorded under section 101—the rent which the under-raiyat has agreed to pay, or the rent which his landlord is entitled to recover by suit. It seems to us that the answer to this may depend upon the relative status of the parties. In parts of Behar where the system of *kartaoli* leases prevail, the under-raiyat will be a planter who takes the land from the raiyat for the purpose of growing indigo, and is probably not anxious to haggle over the rent. He can fairly be left to take care of himself, and whatever rent he has agreed to pay may be properly recorded as the rent payable. But it is by no means clear that the case of a *Kurfa prajá* in Bengal should be treated on the same lines. Here the under-raiyat is usually much in his landlord's power, and it seems to be consistent with the spirit of the law, that Revenue-officers should take the opportunity furnished by proceedings under Chapter X of putting things on a better footing, either by refusing to record as *payable* anything in excess of what is *recoverable*, or by explaining to the *Kurfa* tenant his own rights and his landlord's disabilities under section 48.

The provisions regarding improvements are new to Bengal, and conjectures as to their operation must be for the most part futile. So far, however, as our experience of the subject enables us to judge, they strike us as wisely framed and likely to be beneficial to both landlords and tenants. Something of the kind has been greatly wanted for many years past. In Western Bengal nothing is more striking than the effect the growth of the legal spirit has had in checking the construction of works of improvement. In a land of rapid surface drainage, where cultivation is peculiarly dependent upon the artificial storage of a rather scanty rainfall, you may go from village to village and find almost everywhere old irrigation reservoirs falling into disrepair, and favourable localities for the construction of new ones neglected. The landlords fight shy of granting the *jalsásan* or *áhriát* sanads essential to the security of an improving tenant, while they have neither the capital nor the enterprise to undertake such works themselves. Here and there European landlords have come forward, and have found it

possible to make arrangements satisfactory to their tenants and profitable to themselves; and something has been done by District Officers in Wards and Encumbered Estates, hampered though they have been by the bonds of an over-centralized system of administration and the criticism of captious Departments. But, on the whole, the fact remains that some fifty or sixty years ago works of agricultural improvement were much more freely undertaken than they are now; and it seems worth while to consider whether something cannot be done to bring back the golden age of the builders of *bándhs*.

In their note* on section 90 (1)—landlord's right to measure land—the editors notice what looks like a flaw in the wording of the section. The words "other than land exempt from the payment of revenue" seem capable of being read so as to debar the owner of a revenue-free estate from measuring it. This was clearly not intended, and we may hope that the Courts will find an appropriate mode of getting over the difficulty. An interesting note on section 92 contains some information on local standards of measurement which might be greatly expanded, but which is sufficient for the purposes of a commentary. Local enquiries are, we believe, now being made by District Officers, which will place Government in a position to deal with the matter thoroughly under section 92 (3). We may hope that the reports will be published as the subject is a curious one, and throws some light upon early custom. Take for instance the following:—"nominally the *háth* is a cubit of eighteen inches, but in practice its length is determined by the length of a particular individual's forearm; so that it is not uncommon in Behar to find a landlord and tenant disputing at the very outset of a measurement over the selection of the individual whose arm is to be taken as the standard *háth*." In England, in 1101, a similar dispute was summarily settled by Henry the First, who fixed the length of his own arm, from the shoulder to the tip of the middle finger, as the standard yard. The editors do not mention a singular development of the Behar mode of ascertaining the *háth*, which we have seen put in practice ourselves. Having selected your standard man, you proceed to measure the length from the point of his elbow to each of his four fingers. The average of these measurements is the standard *háth*. Some people say you should also measure to the tip of the thumb and include that length in the average, but the soundness of this doctrine is open to question, and the better opinion inclines to condemn it as a gloss of a zemindari commentator.

* The note on section 80 contains a misprint. Section 76, not section 96, gives the definition of improvement.

An old German solution of the same problem is worth quoting:—"Take sixteen men, small and big, at random just as they come out of Church, and make them put their shoes down in a continuous line; the length of this line must needs give you a standard pole to measure fields with." *

We have little to add to the excellent commentary on Chapter X of the Act—record-of-rights and settlement of rents. On this branch of the subject the editors are entitled to speak with authority, as both of them were members of the Committee appointed in October last to consider the rules under the Act, and the Director of the Agricultural Department is *ex-officio* in charge of the experimental survey now going on in Mozufferpore. It is, therefore, with especial diffidence that we venture to question the reading of the law set forth in the following extract from the note on section 104 (2) ". . . it follows that where a settlement of land-revenue is being made in respect of any local area, the rents of all occupancy-raiyats must be fixed in that area for fifteen years, and those of all non-occupancy-raiyats for five years." No doubt it is the case that, where a settlement of revenue is being made, section 104 requires the Revenue-officer in charge to settle a fair and equitable rent in respect of the land held by all *tenants*—a term which includes non-occupancy-raiyats. But, as we pointed out above in discussing the possible extension of the Act to Orissa, the prohibition of further enhancement contained in section 113 only takes effect in the case of non-occupancy-raiyats, *if the rent is settled under section* 112 *or on the application of the landlord.* To this extent, we submit, the note quoted above, requires revision.

For an explanation of what is meant by the words "when it appears that a tenant is holding land in excess of, or less than, that for which he is paying rent," we are referred, in the note on section 104, to the note on section 52 (2). The reference should also be to the note on section 92, page 148, where the same question is discussed. Our own experience leads us to believe that every measurement made on an accurate system tends to show that most tenants hold a larger area of land than they pay rent for. Whether in any case the excess furnishes grounds for raising the rent is a question which will have to be determined by the Revenue-officer on the principles expounded in the notes we have referred to.

It will be interesting to see to what extent landlords and tenants take advantage of sections 101 and 104 which provide

* Köbel, Geometrey, Frankfurt, 1584.

for applications to Revenue-officers to make a survey and record-of-rights. The Rent Commission hoped great things from the somewhat similar procedure devised by them for this purpose, and the experience of some districts tells strongly in favour of this view. An important element in the question will be the cost of the proceedings, particularly of the mechanical process of survey. Unless they can be made very much cheaper and more expeditious than civil litigation, we imagine people will prefer the agency of the Courts. The changes and chances of civil strife appeal directly to that spirit of gambling which, as Sir George Campbell remarked some years ago, is so prominent to any one who watches the course of litigation in Bengal. Still, if the Mozufferpore survey sets an example of cheapness and efficiency, we may hope that many of the great rent disputes which at present disturb the peace of the country, will come to be settled on a large scale and on broad principles by Revenue-officers, instead of being dragged piece-meal through the Courts.

To simplify the discussion of Chapter XI, which deals with the important subject of Proprietors' Private Lands, we offer the following analysis of its provisions :—

Agricultural Land may be divided into
- A. Cultivated land, including fallow which may be
 - I *Khamar*
 - (*a*) By proof of cultivation as *Khamar* for 12 years before passing of Act.
 - (*b*) By village usage
 - (*c*) By being specifically let as *Khamar* before 2nd March 1883.
 - II *Raiyati*
 - (*a*) In possession of raiyats.
 - (*b*) Lapsed and in possession of Proprietors.
- B Cultivable waste which, when cultivated, may become
 - III. *Khamar* by local custom under Sec. 120 (2.)
 - IV. *Raiyati*, failing any custom to make it *Khamar*.

Land may be adjudged as *Khamar*
- (*a*) By a Revenue officer acting under a Government order to survey and record *Khamar* lands in a specified local area.
- (*b*) By a Revenue-officer acting on the application of the Proprietor or tenant of any particular land, subject to rules made by the Local Governments.
- (*c*) By a Civil Court before which a question arises as to whether land is or is not a Proprietor's private land.

The analysis fails adequately to express the somewhat obscure provisions of Section 120 (2). Taking it, however, as it stands, we may conclude that evidence of twelve years' continuous cultivation will be required to prove land to be *khamar* under I (*a*). An example of cultivated land recognized as *khamar* by village usage, may be found in the *mán* lands of Western Bengal. The term *mán* denotes a certain area of land set apart in every village for the *khás* cultivation of the farmer or village headman. In these lands occupancy-rights do not accrue. In the case of villages let in farm, the theory is that the entire collections from land under cultivation when the lease is granted are paid to the proprietor, and that the farmer makes his profit by cultivating or letting the *mán* lands, and from the rent of land brought under cultivation during the currency of the lease. Practically of course a farmer gets more than this, and

a *bonâ fide* village headman (*mánjhi*, *pradhán*, *mandal*, etc.), a good deal more. On a change of farmer or headman, the incoming lessee takes the *mán* lands, and if the village is held *khás*, the zemindar either cultivates them by his own servants, or, more commonly, puts in a raiyat, who can acquire no adverse rights, and must give up the lands to the *ijáradár* in the event of the village being let in farm. As to lapsed raiyati land, class II (*b*), it is important to observe that, although the proprietor may cultivate it himself, he cannot, by any length of cultivation, convert it into legal *Khámár*. In the case of waste land, there exists, we believe, in some districts a local custom under which waste land, brought under cultivation by the proprietor, is thereafter regarded as *Khámár*; but the working of the custom is not very clear, and will probably require to be precisely defined by the Courts. All waste land let to a raiyat for the purpose of being brought under cultivation, would, of course, be raiyati. So also, failing local custom, or a contract under Section 178, would waste land, reclaimed by a landlord, and subsequently let to a raiyat. Section 120 (2) has the note of uncertainty and hesitation as to facts, and the editors have done wisely to let it alone. It will probably give trouble to the Courts.

It will be observed that the entire chapter proceeds upon the theory that the quantity of proprietors' private land is limited and definable, and that three modes of procedure are relied upon to define it. How long the process of definition will take, and whether it will ever be completed, does not appear. Financial considerations will, we may suppose, deter the Government from indulging very largely in orders for surveys of private lands under Section 117, as that section makes no provision for recovering the cost of the proceedings from the persons for whose benefit they are undertaken. Here the question arises whether, if Government under Section 101 (1), orders a survey and record of rights to be made of a local area, and adds to the particulars to be recorded in the survey, "the situation, quantity and boundaries of proprietors' private lands as defined in Chapter XI of the Act," will that order enable them to recover under Section 114 the expenses incurred in recording the *private lands?* In other words, must the "other particulars" imported into the order under Section 102 be *ejusdem generis* with the particulars shown in that Section, and if so, are particulars as to private lands *ejusdem generis* with the other particulars or not? If so, the terms of Section 102 would apparently be wide enough to admit of an order being made under Section 101 for what would practically amount to a survey and record of private lands only. It seems curious that the Act should have been so loosely drawn, as to empower the Government to do

substantially the same thing under two different Sections, one of which, while containing no express reference to private lands, nevertheless enable the costs of recording them to be recovered from their owners, while the other, though expressly dealing with the survey and record of private lands, says nothing about the cost of the proceedings, and is followed by a section providing that, under certain circumstances, that cost shall be met by the proprietor. We may further ask whether, when an order including particulars as to private land has been made under Section 101, it does not require to be supplemented by an order under Section 117? In whatever way these questions may be answered, the editors' notes on sections 117 and 118 appear to fall short of ideal accuracy. In the note to the former section they say—

"Two alternative methods of procedure are provided for the determination of private lands:—

(1) that of survey and registration of such land by a Revenue-officer, by order of the Local Government under this section (117.)

(2) that of enquiry on the application of the landlord or tenant under the next section.

In the note on section 118, they remark—

"Under Section 107 (101?) the Local Government may "make an order, directing a Revenue-officer, when proceeding "under Chapter X of this Act, to make a record of *khámár* "lands." * * *

If the view expressed in the note last quoted is correct, there are three procedures, not two, for the determination of private lands, and one of these has the important peculiarity that it enables Government to recover the cost of the process.

Passing over the new procedure for distraint as *omne ignotum*, we find the editors remarking on section 149: "This is an important modifiction of the law, made for the purpose of facilitating the recovery of arrears of rent, and of preventing landlords being harassed by their tenants, by unduly protracting suits, by frivolous pleas as to the rent being due to third persons."

To this note the writer of a brief critique in the *Englishman* takes exception on the following grounds:—

"Now the law is silent as to the procedure to be adopted, should the third person institute a suit against the plaintiff under this section: and the notes throw no light on this difficult question. It is, however, a well-known fact that, when tenants plead the title of a third person, it is always at his instigation and with his support. So far from being a protection to the original plaintiff, this section will afford, to unscrupulous

third persons, the means of adding to the former's difficulties: for, by instituting a title-suit and carrying it up to the highest tribunal on appeal, such interveners can retard almost indefinitely the payment of the amount deposited by the original defendant. In this case, therefore, the authors make no attempt at elucidating the real difficulty arising from the deplorably lax wording of the Act, and content themselves with reproducing the unfounded and entirely incorrect view taken by the Select Committee of 1884."

Here we venture to disagree with the critic. The section runs as follows:—

"149 (1) When a defendant admits that money is due from him on account of rent, but pleads that it is due not to the plaintiff but to a third person, the Court shall, except for special reasons to be recorded in writing, refuse to take cognizance of the plea unless the defendant pays into Court the amount so admitted to be due.

(2) Where such a payment is made, the Court shall forthwith cause notice of the payment to be served on the third person.

(3) Unless the third person, within three months from the receipt of the notice, institutes a suit against the plaintiff, and therein obtains an order restraining payment out of the money, it shall be paid out to the plaintiff on his application.

(4) Nothing in this section shall affect the right of any person to recover from the plaintiff money paid to him under sub-section 3."

In the case contemplated by the section, the defaulting tenant sets up the title of a third person. Assuming, correctly enough, that in nine cases out of ten this is done, as the *Englishman's* critic says, at the third party's "instigation and with his support," the law provides that, if the third party wishes to get any benefit out of his underhand action, he must push it to its logical consequence, and sue in such form as to get an order for the payment of the money alleged to be due to him. The form of the suit will depend upon the nature of the title to be established—a matter which neither the framers nor the editors of a Rent Act can be expected to elucidate. As for resorting to a title-suit with a heavy Court-fee stamp in order to retard the payment of the amount deposited by the original defendant, that is just the course which the "unscrupulous third person" is most anxious to avoid. His object usually is to force his adversary into Court, and thus to get any advantage a defendant may have in respect of the burthen of proof. There is nothing to stop him from suing for title whether rent is in deposit or not, and it is difficult, therefore, to see how the section opens any fresh means of vexation. What it does

is to prevent the unscrupulous person from getting any good by manipulating the tenants, and obscuring the real issues of the case.

The Legislature has exercised a wise discretion in guarding against the application of the Act to the incidents of "a Ghatwali or other service tenure" (Section 181). The subject of Ghatwali tenures is in itself intricate and difficult to a degree, and has been further complicated by a forbidding terminology, the meaning of which varies from district to district, and often from pergunnah to pergunnah. Beyond referring to it as an excellent illustration of the dangers which centre round the names of tenures, we do not propose to discuss the subject at length here. One point, however, deserves notice. In the districts where Ghatwali tenures are numerous, and serious attempts have been made to utilize the Ghatwals as rural police, a difficulty has arisen in connexion with raiyats holding under Ghatwals, the solution of which seems likely to be facilitated by the Act. It has frequently happened that a Ghatwal, holding a certain area of land on terms of police service, collusively sub-let the whole area to raiyats at unreasonably low rates of rent. On the death or dismissal of the Ghatwal, the district officer found the rental of the tenure insufficient to induce a substantial and respectable man to take it up, and the police resources of the district were *pro tanto* reduced. One officer boldly cuts the knot, by holding that occupancy-rights could not accrue under Ghatwals, and proceeded to eject the whole body of raiyats by sending constables to turn them out. The Civil Courts and the Commissioner, however, speedily brought them back, and a state of dead-lock ensued. Collusion between the outgoing Ghatwal and the raiyats was difficult to prove, while a suit for enhancement under the old law would have been but a doubtful experiment, even if the new Ghatwal had had the money to carry it on.

By the present law, not only is the enhancement of palpably inadequate rents, under the ordinary procedure, materially simplified, but it would also be open to the Commissioner of the Division to sanction a survey and record of rights on the application of the Ghatwal-landlord under Section 103. In either case the rental of the tenure would be raised to an amount sufficient to maintain the proper complement of Ghatwals, and Government would be in a position to save additions to the regular police, by making the large Ghatwali force a working reality instead of a cumbrous sham. In most of the districts where Ghatwals are numerous, their existence, we believe, was taken into account in fixing the strength of the regular police, and it is hardly fair to the general tax-payer that this local force should

not be fully utilized as the advance of population creates a demand for additional police. As an additional reason for studying the efficiency of the force, we may quote the editors' remarks in their note on Section 181, that "as long as Ghatwals are able and willing to perform the services for which their tenures were granted to them, their tenures cannot be put an end to . . . nor their rents enhanced, on the ground that their services are no longer required."

We shall watch with particular interest the working of Section 183, which saves customs and usages not inconsistent with the Act. An elaborate note on this Section brings out the difficulties inherent in the subject, and finishes by quoting in illustration of the term usage, that famous leading case in which

> "Old Wigglesworth
> Fought for old use, and in his proper cause
> 'Stablish'd the general wont of Hibaldstow,
> And built himself an everlasting name."

Nothing would be easier, did space permit, than to multiply instances of local customs and usages, and to discuss the fate reserved for each of them under this section. But no useful purpose is served by asking premature conundrums, and we therefore confine ourselves to a single instance. In a large, prosperous and eminently peaceable estate in Bengal, the custom prevails that, whenever a raiyat's holding changes hands by succession, sale or mortgage, *one pice in the rupee* is added to the rent. This custom, we are informed, has been in force from time immemorial. Suits for enhancement are unknown, and the relations between the landlord and his tenants are most friendly. This being so, it is possible that the legality of the custom may not come to be disputed in the Courts, until by its operation some particular raiyat's rent has been raised to a pitch affecting his standard of living. This point, it is clear, must be reached some time or other, as the custom makes no provision for the reduction of rents. And it would seem that, whenever their turn comes, the Courts must hold the custom to be inconsistent with the terms of Section 29 of the Act.

In a supplementary note on the form of Receipt for rent, Schedule II of the Act, the editors discuss "certain misapprehensions that have arisen, and difficulties that, it is said, have been felt in making use of it." People have supposed that the expression "particulars of the holding" referred to the status of the tenant, and raiyats are said to have refused receipts because their status (as holding at fixed rates, occupancy or non-occupancy) was not entered. A glance at the form of account in the same schedule should have made

matters clear. There the words: "particulars of holding" are followed by the words "(area, rent, etc.)," and it is obvious that the expression must have the same meaning in both documents, and that the explanation given in the one must apply to the other. In fact, however, there is nothing new or remarkable in the claim on the part of a raiyat to have the character of his tenancy entered in receipts for rent. We have seen dozens of similar cases in Wards' estates under the old law, and have either declined to make any entry of status at all, or have pacified a tenant who claimed to hold at a fixed rent, by entering the words *ishári istimrári*, "*alleged* holding at fixed rates" in the receipt. This difficulty then, is in no sense a creation of the Tenancy Act, though it is possible that the introduction of a new form of receipt may have given encouragement to the attempt to extract from the landlord what might be a very valuable admission.

A further difficulty complained of by the landlords is, that while they are required to specify the area of the tenant's holding in their receipts, the area is either unknown to them, or varies from year to year as in the case of *char* and *utbandi* lands. With regard to this point, the editors explain that a landlord is only obliged to enter in the receipts such particulars as he can specify at the time of payment, and that he is not liable to penalties for the statistical shortcomings of his estate. They go on to say, "But if there is a dispute between the landlord and the tenant as to the area of the holding, and the tenant refuses to accept a receipt in which the area is entered as it is alleged by the landlord to be, the landlord can then either omit the area altogether, risk the consequences, and explain the omission in Court when occasion arises, or else apply under Section 150 (*a*) to the Court to have the dispute settled." This seems to us rather a hard saying. If, as the editors assume, the landlord *can* state the area, is he not putting himself in the wrong by omitting to do so, merely because the tenant demurs to the statement? Would a Court trying a suit under Section 58, hold that the fact of a tenant objecting to the area alleged by the landlord, was "reasonable cause" for the latter to disregard an obligation distinctly imposed upon him by the law? Again, is it not rather hard upon the landlord, that whenever a tenant disputes the correctness of his statement of area, he must either omit the area and risk a penalty under Section 58, or be driven to make an application under Section 158, which would probably be as expensive as a regular suit? On the whole, then, it seems to us that the proper course for the landlord to pursue in the case supposed, would be to abide by his own statement of area, and leave the tenant to file an appli-

cation under Section 158. If the landlord's counterfoil receipts are properly kept, he should have no difficulty in proving that the receipt had been tendered and refused, and that appears to be all he need do in order to secure himself.

We have two minor suggestions to make for the second edition, which we expect will soon be in demand:—first, that the editors should examine their use of the terms, clause and sub-section, and restrict the latter to its technical sense; secondly that, for convenience of reference, they should insert the section-numbers at the top of every page. This is a small matter, but it will save trouble to judicial officers and pleaders who have to handle the book in Court. Nothing is more irritating to a man in the throes of argument, than to fumble for the section he relies on, through a wilderness of closely printed notes, without some sort of signpost to guide him.

In conclusion, we wish the editors the full measure of success which they deserve. In days of haste and high pressure, they have turned out a thoroughly sound piece of work, which will go on improving through successive editions as it gathers in the harvest of leading cases we are all of us waiting for. Thus may gloss beget gloss, and commentary give birth to commentary, till the Judges of the future shall say of the latest edition of the book—

> "So long as pleaders prate, or mukhtars fuss
> So long lives this, and this gives Law to us."

H. H. RISLEY.

THE LEGEND OF LOVE AND DEATH.

Love and Death once ceased their strife
At the Tavern of Man's Life;
Called for wine and cast, alack!
Each his quiver from his back.
When the bout was o'er they found
Mingled arrows strewed the ground:
Hastily they gathered then
Each the Loves and Lives of Men.
Death's dread armoury was stored
With the shafts he most abhorred,
While Love's quiver groaned beneath
Venom-headed darts of Death.
Thus it was they wrought our woe;
Can Love see or does Death know,
Loosing blindly as they fly,
Old men love while young men die?

RUDYARD KIPLING.

ART. VI.—OURSELVES AS OTHERS SEE US; OR, ENGLAND FROM A FOREIGNER'S POINT OF VIEW.

TO see oneself as others see us, is not always an unmixed enjoyment. Many of our countrymen will have read the highly amusing book of Max O'Rell, "John Bull et Son Isle," and their feelings will have been more or less pleasurable, according to the vulnerability of their national *amour propre*, and the greater or less faith they place in our British infallibility. Only the very sensitive or intensely insular Englishman, could, we think, be seriously scandalized by the acute, witty, but more or less truthful delineations of his national idiosyncrasies, drawn by the lively Frenchman. The book is certainly not designed to be malicious, any more than Punch is malicious, when he presents us with reflections of our social and individual foibles, not always the most flattering. There are many less salutary enjoyments than a hearty laugh now and again at one's own expense. Only the very crabbed will refuse to see the fun of the good-natured joke of which he is the butt. For our own part, we read the book with extreme amusement, if from no other cause than the pleasure one derives from looking at a well-known landscape through the eyes of one who views it for the first time. Time and use have blunted our appreciative as our critical faculty. A new-comer points out its special beauties;—descries at once its more salient features, and sees defects to which we were blind.

Next in rank to the pleasure of seeing a new thing, is that of beholding an old one under a new aspect. Why do the preachers from our pulpits so often fail to interest us? What they say is often true enough, good enough, and, as a rule, carries our acquiescence. But our involuntary inward verdict too often is *flat, stale,* unprofitable! Another preaches the same truths, handles perhaps the very same subject, but he succeeds in doing so from a new point of view. He places it in new bearings—different juxtapositions with other truths—investing it with something of his own individuality. All is thrown into new and bolder relief. We come away delighted, interested, refreshed! The preacher who possesses this faculty, of placing the old before us, under new lights, otherwise originally, resulting from individuality of conviction, will never preach to empty benches. The tendency of the age is to monotony and a dreary dead level of thought. The world will ever welcome him, who brings it, not so much some new thing, as an old thing newly dressed and so vitalized.

Nothing is less inspiriting or less stimulating to his own imagination, than the ordinary life of the ordinary Englishman or Englishwoman. "The common round, the daily task," is the lot of the greater number. Even were it otherwise, while actors in it, we can never judge of the effect of the drama as a whole, nor of the stage on which our little part is played. We regard the play, the stage, the actors, chiefly in their relation to our own part, and our view is consequently limited and biassed. Those who have fought and won the world's greatest battles, and even perished in the strife, have known infinitely less of the battle-field, and the nature of the struggle, than the merest schoolboy who studies it centuries afterwards map and history in hand.

The Britisher is, as a rule, too deeply absorbed, too much up to the ears in the conflict, the wear and tear of life, to make a good philosopher or moralist of his own national history, flourishing side by side with vice and degradation which can scarcely be further debased. Our social system must present a scene of hopelessly complicated anomalies, if one cannot recognise that, in England as elsewhere, the bad and good are growing both together until the harvest; and, that each sowing seed after its own kind, the crop of evil and of good must indeed be puzzling, if we lack the power of discerning between the two. Mons. H. Taine, with a truly philosophic calm, seems ever intent on disentangling the intricate web, and tracing to their separate and independent sources the complicated meshes of its warp and woop. Generalities are certain to be misleading as well as unjust, and to attribute either all that is found of good or evil to each individual Englishman or woman in our teeming "Isle," would indeed be fruitful in confusion and injustice. It may be truly said that thousands of our countrymen are as entirely irresponsible for the good done in her as other thousands are for the evil. There are not a few among us, whose entire lives and beings are devoted incessantly to the promotion of philanthropic schemes for the elevation and regeneration of our people. While side by side with these, are other thousands who would blush to be *thought* good.

We have in Mons. Taine one whose name and attainments were themselves a passport into any rank or phase of society he wished to study. (Max. O'Rell's observations lead one sometimes to suspect that the doors of the *elite* of our society may not always easily have opened at his approach.) Himself one of a nation, where every form of Government having been experimented on in its turn, whether monarchical, revolutionary, despotic, democratic or constitutional, and which has lighted for the time on a republican: here

even the leisured or privileged classes are often too absolutely in the stream to be able to judge accurately of the final drift of the current. Like a mighty river, the occult forces of society are bearing us onward unresistingly on its tide. Thus, he only, the unimpassioned spectator who regards the onward sweep of the current from the shore, is fitted to pronounce on its tendency or the final destiny, and the character of those whom it bears on its surface.

Max O'Rell may please himself and his reader by assuming the rôle of the unsparing, slightly cynical, yet good-natured critic. The wise man will learn as much, perhaps more, wisdom from his detractor as from his eulogist. He who resents every hint as to his own shortcomings in immaculateness, finding truth only in that which flatters his self-esteem, may be satisfied, that is, *self* satisfied, but he is not likely to be an expanding character. Truth is rarely flattering, but it is almost always salutary. Home truths are proverbially distasteful, but they may be made invaluable. It will be according as they are taken.

It is, however, with almost unalloyed enjoyment we open and peruse the picture of ourselves, drawn by the pen of another of our French neighbours, "*Notes sur L' Angleterre*," by Mons. H. Taine. It is written with a more distinctly friendly feeling, if not a more impartial judgment. Max O'Rell labours throughout with an apparent inability to distinguish individual and national sins and virtues. He ascribes throughout all that he saw of worst and best to the entire nation. It follows that in a country such as ours, where virtue and graces of the highest order are found, his observations and reflections had a *primâ facie* claim to attention and respect, when he essays to pronounce on those political problems, which perplex our polititians in their changeful turbulent complications, and seem to be driving our country headlong forward, who shall say whither? It is a common cry among us that we are drifting on shoals, where we shall die helplessly at the mercy of the waves, and disintegrate bit by bit. While others yet more gloomy foresee sudden destruction looming in the near distance, and the vessel of the state foundering on a rock and disappearing for ever. It is comforting to discover that these gloomy forebodings are not altogether shared by the outsider, who, uninfluenced by party frenzy, calmly views our social system. Yet if in his search after truth he lays his hand on some of its sore and festering wounds, shall we owe him a grudge, or resent the friendly reproof? Is it not rather the part of wisdom to cry *peccavi*, and humbly say—"These things ought not, and as far as our individual influence or responsibility goes, shall not so be?"

He seems to walk straight on, with keen, wide, open eye. The *enormousness* of things is what first strikes him most keenly. The Port of London begins to produce this impression, which, whenever he quits the individual for the general, goes on augmenting. We give in our quotations a rough translation.—"The river (the Thames) as he approaches Gravesand, is enormous; but filthy, made sombre by lugubrious grey tints. Little by little the clouds disperse, and the sky shines out right and left; we pass pretty country houses, clean and freshly painted. One sees the green turf rising towards the horizon, studded with fine trees, advantageously planted and grouped. The ships and the warehouses multiply. One feels the approach of the great city. The little piers for landing jut out over the shining mud, fifty feet into the stream. Each quarter of an hour discloses more clearly the traces and the presence of man and the power by which he subdues nature. Docks, warehouses, basins for the construction or calking of vessels, timber yards, residences, prepared material, accumulations of merchandise! Astonishment becomes by degrees overwhelming. Leaving Greenwich, the river is nothing less than a vast street over a mile in width, on which, between an interminable row of dull red buildings of brick and tile, and bordered by great stakes fixed in the mud for attaching vessels, which there stop to load or unload, are new warehouses for leather, stone, coal, and agglomerations of every kind. Bales are piled on bales, sacks are being hoisted after sacks, casks are being rolled upon casks, the cranes grate, and the capstans shout! The sea reaches London by the river: it is a port on *terra firma!* New York, Melbourne, Canton, Calcutta stop here first. But what carries the impression to its height, are the canals by which the docks open into the wide waters. They are streets crossing the main road, and they are streets of ships!"

"They burst suddenly upon the view in lines without end. The entire circle of the horizon is hemmed in with masts and cables. The rigging of innumerable vessels, in widening circles, like an immense spider's web, extends as far as the eye can reach. Here, indeed, is one of the great sights of our planet! To see such another accumulation of buildings, men, vessels and traffic, one must travel at least as far as China." This vivid description of the first and last glimpse of our native land, to many of us Anglo-Indians, will recall some of the best and some of the darkest moments of our lives, either as we have gazed, through eyes dimmed with tears, at its receding shores, leaving behind to all the dread uncertainty of the future, much that was dearest in life, or gazing eagerly forward as the noble vessel that had safely borne us back to the shores of

England, wended its stately way amid its sister craft, and restored us to that which years before we had left: and to all the exhilarating sensations of being once more at "Home." We cannot apologise for giving it in *toto*; for this involuntary tribute to one of the forms of greatness of our land, will find an echo in the heart of each of us. Who have greeted, or bade farewell to our land by the world's highway. On a further acquaintance with London, among the various emotions of wonder and surprise not always unmixed with dissatisfaction, especially when he touches on climate, decidedly not one of our beloved country's strong points, we find the sense of *immensity* in the ascendant.

"Three millions two hundred and fifty thousand inhabitants!" he might have added in his more recent edition upwards of 4,000,000! "That would make," he calculates, "twelve such cities as Marseilles; ten such as Lyons; two such as Paris in one heap! But the words on paper convey very inadequately the impression of the eyes. One must take a cab for several successive days, driving north, south, east, west, a whole morning, till one reaches the open country where the houses becoming more sparse, permit the country to begin. *Enormous*, *Enormous*, this is the word that rises to our lips again and again.

"Paris is mediocre along side of these squares, these crescents, these circles and rows of monumental houses of massive stone porticoes, sculptured façades and wide streets. There are fifty at least as vast as those de la Paix. Certes Napoleon III had never pulled down and rebuilt Paris, had he not lived in London.

"All here is on a grand and massive scale. The clubs are palaces; the hotels are monuments. The river is an arm of the sea; the cabs go at double the rate. The bargemen and omnibus conductors swallow a phrase in a word. They economise words and signs, doing all that can be done by action and time. Here man produces and expends twice as much as with us.

At Manchester and Liverpool this impression of *vastness* goes on augmenting. The gigantic scale of our mercantile undertakings amazes him. But at what a price is this distinction purchased! Let us look at this picture of our poor operative fellow-countrymen, the "hands" that build up England's mercantile greatness; truly the reverse of the picture is saddening, and we see the terrible shadow cast by a nation's colossal, so-called prosperity. After describing the gigantic factories, their machinery, the order and discipline maintained "Within them, and the general working perfection of the factory or respe; the fine houses and creature comforts of the monied

employers of labour; the Mersey with its vast winter forest of masts and cables; the splendid docks turning out by the dozen our great iron-clads; he turns his footsteps from the contemplation of these triumphs of nineteenth century science and skill, and passes into some of the side streets and lanes, where the mill hours over, and the "hands" dispersed, these human ants foregather, and he thus describes his sensations.

"It has struck six, and we retrace our steps through the poor quarter. What a sight! In the environs of Liverpool are from fifteen to twenty streets with ropes stretching from one side to the other, on which the people hang out their rags and linen to dry. On each staircase swarm troops of children with a squadron of others mounted on the steps behind them; the eldest carrying the youngest in her arms. Pale faces, colourless, unkempt hair; shoeless, stockingless and ignobly filthy! Faces, arms and legs encrusted with perspiration and dirt. Perhaps you will find a couple of hundred such children romping and fighting in a single street. One draws nearer, and in the dim twilight of the passage, the mother and a grown up sister are crouching almost *en chemise*. What an interior! We catch a glimpse of a shabby oil-cloth rag, sometimes a shell, or one or two poor stone China ornaments. The old grandmother half doting, sits in a corner. The woman is trying to mend the wretched clothes, while the children roll and tumble one over the other. The places smell like a rag shop. Nearly all the houses have for first floor a damp cellar flagged with stone. Picture to yourself life in winter in these cellars! Some of the children, still young, are fresh and rosy, but the sight of their great blue eyes hurts one! This fine blood will grow poor. A little older, they will fade, the flesh become flabby and of an unhealthy whiteness; all around there are scrofulous faces whose sores are covered with bits of plaster.

We proceed, and the crowd increases. Lads of larger growth are seated or lying about the pavements, playing with blackened cards. Aged women, bearded and livid, issue from the gin palaces with trembling limbs. Their dull gaze, their meaningless smile, are indescribable. They seem as if their features had been slowly corroded by vitriol. Their rags hardly kept together, disclose through their rents, their filthy skin. These were once elegant dresses and the bonnets of ladies!

"One horrible detail strikes us! These streets are regular and appear almost new. Probably, therefore, this is a *reformed* quarter erected by a benevolent administration! Here, then, is the best that can be done for the poor. This uniform file of houses and pavements enclose, within its mathematical lines, this swarming mass of human misery and hideousness. The air is heavy, the light, pale and wan. No form, no colour

on which the eye can rest with pleasure. Rembrant's beggars, in their picturesque tawdriness, were happy in comparison!"

And this, in Christian England! We spend thousands in efforts to Christianize Heathen India; but these are the Children of the Kingdom, so to speak! The inferences drawn from such reflections are confounding.

This visit, it is true, was made twenty years ago; but any one of us who has walked through London, or any of our great over-populated cities with his eyes open, must be aware that scenes as evil and even worse, abound in streets and alleys without number. One seems to feel the early Briton in his primeval forest, free and strong of limb, physically at least, an enviable being compared with thousands of his degenerate descendants of to-day. The march of civilization seems destined in its ruthless trampling over the heads of the million, to be as desolating as was ever that of any Roman warrior. When will the selfish struggles of party cease, and our statesmen bend to the glorious task of finding a way out of his castle of ignorance and misery for the British workmen? When the wealthy of our land awake from their selfish dream of pleasure, shall join hand in hand with the philanthropist and the true patriot, perhaps, indeed, some salve may yet be found by which the plague may be stayed and the physical, moral, and mental destruction of the classes at the foundations of society be averted. But above all, the workman must himself awake and learn, not from the mouths of agitators and socialists, but from those who truly have their best interests at heart, how to help themselves.

Mons. Taine puts his finger with true instinct on the chief source of all this misery. Over-population undoubtedly does much, centralization much to cause it, but its chief source is drink. Our enormous manufactories, with the employment they afford to thousands, ever tend to draw the population more and more from agricultural pursuits and village life, and concentrate them in the great towns. Early marriages are the cause of the first, but for the latter and greater evil, intemperance, and a variety of causes combine.

The fearful monotony of daily toil: the sombre nature of our climate, so inimical to outdoor sports or enjoyments: the miserable discomfort of the home surroundings of a vast majority of the working men. Let us compare with the above picture,—a Frenchman's, one drawn by an English pen, of the peasant homes of some of his own countrymen, and we shall not fail to be struck by the contrast.* After describing the

* In George Sand's Country, by Miss Beltham Edwards. MacMillans' Magazine.

small holdings, with the neat and cozy farm-houses of the pleasant proprietors, Miss Beltham Edwards goes on to say:—

"At Châtereauroux the problem before alluded to, of turning the artizan into a proprietor, has here been realized. Here, at least, the workman has emulated the zeal of his thrifty neighbours in the country, and hardly a journeyman shoemaker, carpenter, or builder in the place, but has a house and bit of garden to call his own.

"In other words, he is a capitalist to the extent of two hundred and fifty pounds. Here self-help and sobriety have been the sole influences at work. I visited a good many of these neat houses not mapped together, but just planted here and there, where a bit of building land was to be had. In appearance one is very like another, although we found a considerable difference in the interior, some being fastidiously clean and wearing an air of comfort; others being less so. A front kitchen in which the best bed stands conspicuous, a back room, a couple of attics, out-houses, and a small garden. Such is the artizan's home at Châtereauroux, and if it has not the trim appearance of a model English cottage, he can at least say with Touchstone—'Tis a poor thing, but mine own.' One interesting feature about these houses is, that in a great measure they are the handiwork of their owners. The plot of ground purchased, the purchaser devotes every spare moment to the construction of his house. Such help as he needs in the way of carpentery, glazing, &c., he gets from journeymen like himself. The morality of the place has been greatly improved by this transformation of the artizan into a freeholder. Early marriages are the rule, and young women employed in the State tobacco manufactory, instead of spending their earnings on finery, lay by in order to help their *futur*, in the purchase of a home. Public-houses are few and far between: *want, rags and drunkenness are all but unknown.*"

Here is indeed a striking feature, the young woman denying her natural instincts to vanity, that she may help to build the home of herself and future husband! Well would it be if our working girls would emulate the thrift, the self-respect, the dignity of such a habit. But this idea seems quite un-English. Mons. Taine expresses it well when he says, of all classes, to produce or gain much, to spend all he gains, *not* to lay by; this is the Englishman's ambition. An instance in point occurs among numerous others to mind. Speaking to a highly respectable girl in my service, whose devotion to me through a long illness, had won my highest regard on the subject of her future establishment: she was engaged to a young man of good character and prospects in her own class.

"Now, Jane, that you are earning such good wages, ought

you not to be trying to lay by something towards setting up housekeeping? A young woman must come so much more independently to her husband, when she has something of her own laid by against a rainy day." Jane looked rather sceptical, as she replied—"I don't know what *my* young man would say, if I was to do that. If ever we *do* get married, he won't let me want for nothing. I'm sure he couldn't abear my having aught of my own!"

Mons. H. Taine gives us, in three widely differing types, the results of his careful observations and analysis of the English character. His method was, he tells us, to amass a number of the most striking characteristics of those among whom he mixed, to reduce them to a certain order, and thence deduce his own conclusions, modified by a free discussion of them with his friends. These traits he verifies in a number of individual cases, compares, interprets, and classifies. He arrives at the following results:—

Type I.—"The tall solidly-built robust man, a magnificent colossal figure, sometimes six feet high and broad in proportion. This class is frequently to be found among our police, our soldiers, notably in the life-guards, a picked corps. Splendid complexions, of fresh rubicund colour:—one would say, beetroots or cabbages picked out for a flower show! At heart, good-humoured, perhaps good-natured, but generally *ganch.* Their self-conceit takes a special character of its own. In a light red jacket, cane in hand, they strut up and down displaying to the fullest advantage their trunks and the fall of their backs. Under the little cake-like hat, stuck jauntily at the side of their head, one perceives the clear parting of their well pomadoed hair.

"One may be seen, thus, in the corner of the street displaying his magnificent proportions to an admiring circle of street boys. They are indeed as solid masses of substance *monuments!* But then one may have enough of mere bulk, but movement is so essential to matter!"

Under the same physical category, he gives an amusing portrait of the servants in great houses: the valet, or butler, who apes his aristocratic master's airs and graces, the ponderous coachman who majestically occupies his coach box as he drives him through the parks. Of this type he tells us, the higher classes are not without their examples. The general impression of them is conveyed in the portraits of Henry VIII.

"Exposure to the elements, solid food, a literal recourse to various drinks—beer, sherry, port: endurance of fatigue; all tend to develope and keep alive this type among our countrymen, and they are to be found in all the professions. It is

the class in whom one sees developed the primitive German, as he issued from his primeval forest."

This may be true, but the above aspects of our race are not those on which one most loves to dwell, or those we should prefer to trace among our nearest and dearest.

Type II.—The phlegmatic undoubtless Mons. Taine would not have far to seek specimens of the above. He is the man who, in rural districts among this peasantry, is described as a '*stile*,' or '*quiet*' man. These epithets are invariably used in a eulogistic sense. In the upper ranks he is described not inaptly as "a man of few words."

"He forms his impressions," says our author without expression, much less without explosiveness, perturbation or excitement. He is the absolute opposite of the impassioned petulant southerner. A manner chilly, if not glacial: gestures automatical; countenance, impassive! He is of few or no words. Our best novelists confirm the accuracy of this portrait, of which they furnish numerous examples. The instances Mons. Taine cites, are amusing.

One of his friends B, calls on an English lady, with whom he is about to enter into conversation. The husband enters and crosses the room, apparently unconscious of his presence and looking in another direction. At the end of a minute's duration, he remarks without moving a muscle of his face—"Glad to see you, Sir."

May not this singular procedure have been the result of that national antipathy to the foreigner, and difficulty of addressing him in his own tongue, which characterizes not a few of our more insular and less travelled countryman? Perhaps this person was reflecting on an appropriate French salutation which did not readily occur. For, as a rule, no gentleman would in his own house be found wanting in the duties of politeness to any stranger.

He cites also the silence and absorption, with which a band of cricketers will go through a game—"without exclamations or any visible emotion." Such silence, however, would only indicate intense internal excitement, not as he imagines—"drowsiness of the nervous system resulting in indifference."

Yet the English aphorism, "deeds not words," would in such an instance perhaps correctly interpret the national sentiment. His force of character, his energy and nerve find vent in acts, and he reserves the strength which, in more excitable natures, is apt to evaporate in words or sounds for more effectual if less telling demonstrations. This so-called phlegm is perhaps more attributable to concentration than to indifference.

Mons. Taine does not, however, in this very impartial effort

to paint a true portrait of his English friends, overlook the possible advantages of their *sang froid.* After touching on the extremely revolting picture of the lower grades of this type, he does full, if not more than justice, to its higher developments.

"On the other hand, when the man is an intelligent and cultivated gentleman, this phlegmatic temperament produces a perfectly noble bearing. I hold in my memory at this instant several instances: eyes of pale blue, complexion pale, features small and regular, forming one of the finest human types. Entirely free from an exaggerated chivalry, the brilliancy of the gallant, one feels oneself to be in the presence of a spirit under absolute self-control, beyond the reach of vertigo. They even erect this peculiarity into a virtue. According to their ideas the chief merit in a man is to preserve 'a clear and cool head!'

Apropos of the above. A native of India, in an eminent position, enquired of an English gentleman with whom he was on friendly terms:—

"How is it, Sir, that you English, while taking so much pains to protect your extremities from the winter cold, leave your heads and faces absolutely exposed, except for your hats, in which there is no warmth to speak of? We natives take but little care of our feet and legs, but we bestow all our thought on the protection of our heads and faces."

In fact, no one who has either attempted to ride or drive through a crowded native thoroughfare or bazar, but has suffered from the inconvenience of this habit. The native enveloped in, fold upon fold, and garment upon garment, is a being hermitically sealed to sound, almost to sight. Accounting blissful ignorance, better than the wise folly of being alive to possible mishap, he pursues the even tenor of his way, in the very centre of the road, leaving the entire responsibility in the hands of whomsoever it may concern to rescue him from being perpetually knocked down or run over! But to return to our illustration.

"Therein, my friend," replied the phlemagtic Englishman, "you find one of the main reasons for our being at the head of things in general, in this magnificent country of yours. *You* keep your feet cold and muddle your brains with wraps. We keep our limbs warm for action, but our heads clear and cool."

"*Sack bāt,*" replied our Arian brother, and he no doubt made a mental note of what he fondly imagined might be a new clue towards fathoming that bewildering puzzle "the *Belaite Sahib.*"

We come now to our third type as pourtrayed by the able

pen of our French critic—one which each of us will readily recognise, and of which our individual knowledge of ourselves will furnish many instances.

"The being active and energetic, capable of enterprise, of endurance, effort, and of perseverance; loving exertion for exertion's sake!"

Of this type are the nation's heroes. Our Franklin's and the noble hands of brave and dauntless men, who sacrificed life and life's dearest joys year by year, in the vain effort to track his footsteps over the pathless waste of snow! From them spring Livingstones, Bakers, Gordons! Our author quotes more ordinary examples:—

"One day as I was about returning from a visit in the country, two young fellows proposed to share the accommodation and expense of my cab. Naturally I accede to the first, but decline the latter proposition. On the road we converse. They are brothers, one 19, the other 17 years old. They have ten brothers and sisters and are starting for New Zealand. They expect to remain there twelve years, and hope to return having made their fortune! Their programme is as follows:—They will become sheep farmers! In saying this, the glow and animation, the ardour and decision of their accent and gesture is impossible to depict. One is impressed at once with the superabundance of energy and of activity—the "overflowing animal spirits."

They present the appearance of a pair of well trained greyhounds, sniffing the air in full chase. According to them, with £1,000 or £2,000 sterling to start with, one can return at the end of a dozen years with £20,000!

"You will be just thirty years old by that time, and returning in time to be married!"

"*Yes*, Sir!"—*This*, with a thoroughly juvenile explosion of enthusiasm!

The first year he will learn his business, then start on his own account and swim by himself. Over there he is his own workman. "He will build, cut down the forest, dig, harvest, pasture and shear his sheep, '*all with his own hands!*'" As he says this, he explodes in a hearty laugh full of fun and enjoyment.

These young people, so gay, hardy, and enterprizing, delighted me. This seems a fine way to enter upon life: the world is before one, one takes the cream of it!

The fortune once made, the interest and the inspiration continue. For the English, work is its own aim and object. If it is not needful to work for his own special benefit, he takes an active part in politics, public life, associations, &c. In illustration, he gives the sketch of a tradesman's son. Started

at 19, to find his own way in life as a practical engineer, who begins with a salary of £40 per annum, and by steady gradations, rises by industry and integrity to be Secretary of a great London House on a salary of £600. Who spends his earnings in literary work, requiring as a preliminary a minute acquaintance with the classics, which he has managed to acquire in hours of leisure, together with German, French, and music, with a general liberal culture.

This gentleman, he affirms, feels work to be his great necessity: and declared that having once spent nearly two days unemployed, he had almost died of *ennui!* In this young man's opinion, the need of action is the foundation of the English temperament. The machine devours itself, if it revolves empty.

He sums up:—

"Excellent specimen of English life. To be left early to one's own resources. To marry a wife without fortune. To have a numerous family, yet to spend one's entire income, or lay by but scantily, to place their children under the same necessity to work as themselves. To lay in incessantly a fresh stock of facts and positive knowledge. To refresh oneself after one's herculean labour by plunging into another. To be for ever producing, for ever acquiring. This is the height of their ambition, both for themselves and for their children."

J. E. DAWSON.

ART. VII.—"FROM 90° TO 100°."

THE thermometer is above 90°, steadily moving up to 100; —one hundred degrees of heat. Think of that O! friends and acquaintances in Europe, ye happy sojourners in Simla or Darjeeling, ye cynical, cold-blooded disbelivers in the heat and discomfort of India, who live far away in a climate that braces and invigorates, where you can sit and write without feeling that your brains are being boiled, and your strength is oozing out of every pore of your body.

I wonder if the calm and collected philosophers, who sit in their comfortable studies at home, and pen wise remarks on the high salaries of Indian civilians, and who probably know nothing of the distinction between the covenanted and the uncovenanted service—or they would hardly say their salaries were all high: I wonder if they have ever tried to realize how heavy an inducement it would require to make them do even their moderate amount of work, in a temperature such as these same civilians work in for eight months out of the twelve. I wonder if the wise, able rulers who pull the strings from afar, and who feel it to be conscientiously their duty to get the utmost possible amount of work out of everyone, ever realize, or try to realize, how the whole machinery is being strained, how every department is being forced to work at a rate that threatens to destroy the good quality of the work done.

If a mill-owner was so misguided as to make his hands work overhours for every day of the week, he would probably cause a perfect tumult of indignant protest. Our paternal Government looks carefully after the coolies on a Tea Garden, to make sure that they are not overworked, but what Government servant now-a-days can get through his allotted duty without working all day, and every day: even Sunday is not free—and the thermometer somewhere between 90° and 100.°

The salaries ought to be high, and perhaps they were once, when the rupee was worth two shillings; some inducement was necessary to make it worth while for men of good education to live in India. The Government agreed to give its servants fair wages for fair work. Now they give the same wages for double the amount of work, and the value of those wages is considerably reduced. Almost everyone is beginning to lose heart. The car of justice is no doubt a magnificent and wonderful piece of machinery, but as it grows more and more perfect, year by year, so it grows heavier and heavier, and instead of increasing the numbers of those whose duty it is to keep it

moving, each one is made to bear his share of the extra weight, and that extra weight is, in some cases, almost unbearable. It would be unbearable enough in a good climate, where body and mind are kept healthy and active by fresh air and good food, how much more so in the sultry atmosphere of India (with the thermometer, nearly a hundred) where body and mind are worn out with a rapidity that is unrealizable by those who have not felt the exhausting effects of months of hard work in the hot season.

What does an old rhyme make the faithful horse say :—

"Up the hill spur me not,
Down the hill urge me not,
On the plain spare me not,
And in the stable forget me not."

The race of life grows faster and faster ; men must be spurred on up hill or down ; if they fall by the way, what does it matter? Death vacancies are a boon to all who are below them on the list, and there are plenty of younger and stronger men, although perhaps not so able or experienced, to take the place of those who die. In almost every department Government officers are being overworked—those, of course, who conscientiously endeavour to do their work—with the natural consequence of loss of health and energy. An early morning visit to the bungalows in an ordinary Mofussil station, discloses the fact that nine out of ten of the Government officials are busy with their papers many hours before their regular cutcherry work begins, at a time when they ought to be out walking or riding. Instead of taking advantage of the only cool time there is, to take the exercise necessary to keep them in health, they are wading through piles of papers that require their undivided attention. For them to do their work thoroughly, they must get through a fair day's work before going to their office, and the office hours, that used to be from 11 A. M., until 4-30 P. M., are now prolonged indefinitely, and a visit to the station tennis court in the evening discloses the fact that they are frequently out of office too late for a game of tennis.

And yet these men—who work early and late, in a climate that is too unhealthy for their families to live in, and who have to expend the larger portion of their salaries in providing a home for them in Europe or in the hills—are talked of as "the highly-paid ;" "the over-paid."

It is possible that some of them are overpaid ; it is not uncommon to hear young men who have only a few years service to their credit, make it a grievance that they have not been given this or that fat appointment ; or to hear young wives expressing their indignation that their husbands—who are more clever—more worthy—more everything than anyone else in their

service, should not be allowed to run up the list without reference to anything but their own wonderful abilities, and draw the same pay as men who have served for half a lifetime. But no one listens to them, except when some glaring "job" is perpetrated, in any particular department, and the sufferers—for a "job" is always an injustice—find out that it is better to be the ninety-ninth cousin to Sir Somebody Something, or the husband of Sir Somebody Else's wife's sister, than to be a good and efficient officer. But there are not many plums to be had, and not one has been left to the unfortunate uncovenanted service in Bengal, and it is upon that service particularly that the depreciation in the rupee, and therefore in their salaries and *pensions* falls so heavily.

When the senior officers cannot afford to take even the small amount of leave that they can claim, the juniors are also debarred from it, as promotion is checked. Regular promotion is heart-breakingly slow, and the chance of a few months now and again of officiating promotion was something to look forward to, and helped towards the large amount necessary to take an officer home; the hope of being able to go home and see his children, or his home folks, and of regaining a portion of his lost strength and energy, was dear to every European; and the knowledge that his children were safe out of the country—away from the evil effects of being brought up in this land of dirt and heat, fever and sickness, untruthfulness and degrading immorality—consoled him for years of separation from them and from his wife. Now it is a matter of difficulty to send the children home at all; in fact, is a matter of impossibility with many, and the hope of rejoining them if they are sent, fades away before the melancholy fact that the rupee is worth one shilling-and-five-pence halfpenny only.

It takes the heart out of a man to plod on year after year without promotion, or the hope of it, without the change and rest that he requires, and has earned, and more than all, without the means of sending his sons and daughters out of the country. "Overpaid":—will you be good enough, my dear Sir, before you repeat your clever and telling remarks, to turn over a few more pages of that nice new Indian Civil List you have been dipping into. Turn on—past the list of covenanted officers, they are well, even highly, paid, but ought they not to be so? They earn their money fairly, and live a life, or have lived it in their time, such as your cheerful friends, the Globetrotters, who pay India a visit of a few weeks in the prime of the cold weather with well lined pockets, would not endure for six months, much less for six years.

Turn past that list; and look at the others, and then at that almost unintelligible fellow book, "The Leave and Pension

Rules." There you will see how men who have served Government for over 24 years, who occupy posts of great trust, whose position demands that they should be thoroughly efficient officers, and who have had to pass numerous examinations to fit them for that position, are drawing from Rs. 600 to Rs. 700 a month (some few only being able to reach the magnificent sum of Rs. 1,000) and have had, or could have had, only three years' furlough, all of which counts against their service for pension, and that they must serve ten or twelve years more, according to the amount of leave they have taken, before they can retire on an *indefinite* pension. The pension may be indefinitely small, but cannot be more, under the most favorable and unexceptional circumstances, than Rs. 5,000, or at the present rate of exchange £369-15-10 per annum.

With the present slow rate of promotion many men know that they cannot reach the higher grades before they are 55 years old, and that, consequently, their pensions will be very small. In Europe a man is in his prime at 55; in India he is considered past work and is made to retire. This points very plainly to the fact that men age much more rapidly in India than in Europe; that the wear and tear of Indian official life is such, that at 55 a man is worn out and useless. The idea that all Anglo-Indians live in clover, and lead a life of luxury and idleness, is so deeply rooted, that nothing but a personal experience of the country will ever uproot it. It would be well, if a few of the believers in that doctrine would come out here and live amongst us for eight or ten years.

I would rejoice at their misery; and the thermometer being at 100°, would take down with infinite pleasure every remark that fell from them, note every groan, and record every sigh. What pleasure it would afford us, the unfortunate dwellers in this land of supposed luxuries, to see a few of that objectionable species, the Globetrotter, compelled to remain here a few years—instead of trolling off at the first breath of the warm weather—without the means of replenishing his purse, except with a hardly-earned salary of from Rs. 500 to 800 a month, minus the Income Tax; minus a subscription to a Pension Fund; minus a regular home remittance for a few children in England, and minus the hope of getting out of the country until he has saved enough to go home. The sprightly visitor who, having spent a few weeks in the very pleasantest part of the cold weather, in the very pleasantest manner imaginable, in some of the largest and most accessible stations, and has been amply provided with everything his heart could desire—from iced fruit, to a shot at a tiger—calmly expresses his surprise at the ridiculous stories that are told of the trying climate, heat, discomfort, &c., of India, and expresses his entire approval

of the whole thing; talks of the perfect climate; the first rate shooting; the jolly life; and then takes his departure before he has had even a glimpse of the reverse side of the picture.

He is correct enough in his opinion of the country as far as he has seen it. If we could have the cold weather all the year round, all our troubles would vanish into thin air. The climate, during three months, is perfect, and if it lasted the same for even eight months out of the twelve, there would be a grand lifting of the clouds of trouble and discontent that hang over hundreds of Anglo-Indians. Wives could remain with their husbands, children with their parents; there would be no heavy home remittances to eat up the larger part of a man's pay; no pale little faces pleading eloquently for a healthier home, which has to be withheld from them for want of the necessary funds—but what does the cold weather visitor know of all that? He never stays until the thermometer is at 100° or even at 90° He sees nothing of the inner life of the ordinary Anglo-Indian. His acquaintances are probably amongst the upper five hundred who shew him the gilded side of the gingerbread, who consider a yearly visit to the hills a matter of course, and who are placed beyond all sordid consideration of the expense of an occasional trip to Europe when their health or inclination makes it desirable.

It is not from them that he will learn any of the troubles of Indian life. Let him spend even one hot season with a hard-working man, who lives away in some remote district; let him take that man's place, do his work, take his responsibilities upon himself, and be spared none of the worries of ordinary every-day life, and he would not converse so lightly about "the perfect climate" "the luxuries of Indian life," etc., etc—but he would certainly speak more feelingly, and perhaps I may be forgiven, if I say more truthfully, on the subject. I would have him spared none of the discomforts of Mofussil life. He should return to England with a clearer and more accurate idea of what India really is than any of his numerous confrères, and he would find, to his disgust, that no one believed him.

Do the upper five hundred, who flee away to Simla at the first approach of the hot weather, ever consider what the remainder have to endure; men of their own class, their own nationality, their own service.

The vexed question of the annual flight to Simla will probably never be settled satisfacorily, but one thing is certain, we should all go if we could. There may be a good deal of the fox and the grapes in the outcry against the iniquity of the exodus of the upper five hundred, and reason suggests that our rulers can do their duty more thoroughly at Simla than in Calcutta, when the thermometer is at 100°. No one can work so

well in the evervating heat of the plains, as in the cool, fresh atmosphere of Simla or Darjeeling, and if five hundred lucky individuals can escape the former and enjoy the latter, why should they not?

The unfortunate part of it is, that they lose sympathy with their less fortunate fellow creatures. They fail to realize the disadvantage of having to live in a state of heat that is enough to soften the brain, and carry out the multitudinous orders that are issued from a place where heat-apoplexy and jungle fever are unknown. It is so easy to sit in a cool office and sketch elaborate plans for others to carry out; so easy to lay burdens on the backs of others, and so difficult to realize that the burden that was sufficiently heavy in January is unbearable in June.

Do we ever realize in the cold weather what our requirements for the hot weather will be? Or in the hot weather that it will ever be cold enough for a blanket to be acceptable? Do we not often buy things in Europe thinking them to be delightfully cool and light, and find them altogether too heavy and warm when we return to India? Do our home tailors and dressmakers comprehend and carry out our orders for "the lighest possible make of coats, or dresses?" To them it appears impossible that a few extra ounces of lining or padding can make any difference; they have not to wear the garments they make, and do not know what it is to carry a few extra ounces when the thermometer is above 95°.

Our rulers, and semi-rulers, and demi-semi rulers, add a few ounces, and still a few more ounces, and a few pounds, and a few hundredweight of extra work to their officers, without considering that they already have as much to do as they get through satisfactorily. Even the non-official Anglo-Indian is not spared. The Assam tea-planter is now obliged to furnish reports to Government. The tea-garden coolies must not be over worked, they must be carefully cared for and looked after: if they work overtime they are well paid for it, so that they often get paid Rs. 20 in the month, although, their actual pay may be only Rs. 5, and in a few years they return to their country with, what is for them, a considerable sum of money.

The necessity for an occasional rest from labor was recognised at the Creation. The natives of India evidently consider it necessary that there should be many days of rest, for their holidays are very frequent. That Europeans also require a holiday occasionally is evident, and has been provided for by the allowance of one month's privilege leave in the year, and a liberal allowance of furlough to members of the covenanted civil service. The injustice and hardship that uncovenanted officers, of pure European birth, suffer with regard to their furlough and pensions is a very sore subject with them.

Every day spent on leave adds a day more to their service. The doctors order change and rest, but they must wait eight years before they can get it, unless they can afford to take sick leave, and then they fear to take it, knowing that they will have to pay for it by serving on, when after 30 years' service they might retire, if they had no leave to make up for by extra years of service.

It is very hard for Europeans to give up the hope of being able to send their children home to be educated and brought up in a pure and healthy atmosphere; to see them growing up without any moral or physical backbone, with a hundred little tricks and ways that bespeak the want of healthy home-life and training. It is hard to give up the hope of being able to return to the old country for that one precious year, that has been as a beacon to them through the dreary monotony of everyday life; it is doubly hard to see the clouds close in on every side, and have nothing to look forward to but years of the same weary treadmill of work and discomfort, without any break, and with the prospect of a pension at the end of their service, that is less than that of hundreds of army and navy men, who have spent a fair proportion of their lives in Europe, and who have been able to give their children the advantages of a good education in their own country, without having their resources crippled by losing a quarter of their income by exchange.

How is it possible, under the present circumstances, for the members of the uncovenanted service to be content? The darker the prospect the more is expected of them, and many have lost heart in their work altogether, feeling that it is impossible to perform satisfactorily all that is required of them, without wearing out body and mind to no purpose. A man may be too honest to scamp his work, but yet have no spirit or energy to put into it.

In this time of difficulty and depression, the concessions that have repeatedly been petitioned for, and which have been granted to a favored few, would be especially welcome. New life and spirit would be infused into a service that has been acknowledged to be a thoroughly useful and hardworking one and the discontent and despondency that now prevails would disappear. Without hope life is very dreary; let us hope therefore that the clouds will break, and some much-needed concessions be made to those who can claim to have earned them by many years of honest work.

ESMÉ.

ART. VIII.—THE RACES, RELIGIONS AND LANGUAGES OF INDIA, AS DISCLOSED BY THE CENSUS OF 1881.

JUST forty years ago, in March 1846, in the tenth Number of the *Calcutta Review*, which was then in its youth, I despatched from the camp of Viscount Hardinge, the Governor-General, in front of Lahore, which had just been captured, my first contribution to this *Review*, on the subject of the "Countries betwixt the Satlaj and the Jamna." This is about the fortieth paper that I have since contributed, on many and various subjects, in many parts of the world, but I return, after that long interval, with undiminished love to the object of my earliest interest—the people of India. We seem to touch ground at last, and the Census of 1881, though it leaves much to be desired, is a decided advance.

England holds India, as a man would hold a wolf, by its two ears, and must hold on for dear life: it would be dangerous to let go, as the wolf might turn and rend. But the wolf must get free soon, or at any rate, will wake up, and make demands. When such wretched countries as Servia and Bulgaria, which, in the long lapse of centuries, have never done anything worth recording, or recorded anything worth doing, are crying out for constitutions, is it likely that India, which has filled such a grand place in history, and to which the world is so largely indebted, will tolerate her position much longer; though it is possible, that the boon which she may desire, will not prove to be a real advantage? It is an unwise thing to go on rowing back, with your back to the point which you are labouring to reach. Those, who have their hands on the oar, dare not look back, or forward: it is as much as they can do to keep the vessel in motion and steady. Let some of those, who have watched India for nearly half a century, try to bring out the salient facts, and raise the cry of warning to the Rulers and the Ruled.

Before the census commenced, I ventured to urge upon the authorities, that the attention of those employed in this duty should be called to the shortcomings of their predecessors. It was most desirable that the Census should exhibit the remarkable social phenomena of the Indian Empire represented by religion, caste or tribe, and language in the fullest and most uniform detail. No other country can exhibit such a remarkable picture, and no Government, save that of British

India, would have the power, or will, to delineate it with photographic accuracy. The Religions should be classified under the recognized names of the great cults, and the sects ranged under them: on the other hand persons of totally different persuasion should not be lumped together. To place the millions of Chamars, Lingites, and the Non-Aryan Nature-worshippers under the general head of Hindu, is as grimly ironical as to class an Anabaptist as a Roman Catholic. Caste should be treated as a *Social, and not a Religious* phenomena: it may be that among the lower classes all practical religious conceptions are reduced to the necessity of not breaking caste rules, but a Rajput is a Rajput by caste, whether he be Hindu or Mahometan. The analogue of the caste among the Hindus, is the tribe among the Mahometans. Again, among the Hindus, there are castes, like those of the Brahmin, which are historical and racial, but there are also castes, like those of the goldsmith, or sweetmeat seller, or agriculturist, which are clearly only business distinctions, trade-unions, or guilds such as are found all over the world. A pseudo-caste may, from the very atmosphere of Indian society, have crept in among Mahometans, the non-Arian races, the Buddhist, Jain, Parsi, Armenian, and Eurasian-Christian population but the term 'out-caste' should never appear on a State document, nor should any excuse be given to a Court of Justice to compel a non-Christian to record the name of his hereditary caste, which he has solemnly abjured. If the government of a country were to assume that caste were the rule, and the absence of caste the exception, a great act of injustice would be done to the millions who would be described in the form of a negation, and, in a Court of Justice, are thus exposed to insult. Then, again, the great castes, such as the Brahman, which counts thirteen million, have numberless subdivisions, or Gotra: if these are stated, they should not be called castes, but subdivisions of castes, and the same caste should bear the same name all over India: a Brahman should not be called here and there by the name of Pundit, Purohit, Misr, Pujári, &c., &c.

I begged also that the important subject of language might be carefully attended to, important both to the administrative and educational departments. It is suggestive of frightful injustice, if the Courts of Justice from sheer ignorance should not be supplied with officials capable of speaking the vernacular of the people. This shoe does not pinch in the great country of Hindustan, where eighty millions speak dialects of the same great language Hindi; nor in Bengal proper, or Marahta-land, but in Southern India, Assam, and Burma, it is a real difficulty. Great injustice might be committed,

and the nature of grievances, which may have led to a rising, would not be understood: a few quiet words will often allay a tumult among well-intentioned but ignorant people. There should be a language-map of each province, coloured so as to shew what particular languages, or dialectal variations are spoken by the bulk of the population, and where ten or more are spoken, or a compound of two adjoining languages on a debateable frontier. This is a difficulty which the Russian, Austrian, and Turkish Governments have to face, and it must be faced manfully.

The general report for the whole Indian Empire was compiled by an accomplished official of great and unequalled experience in statistics, and it has been submitted to the public, and is the basis of our present remarks. It was the first synchronous enumeration which was attempted of the whole of India under the orders of the Government of India. The area operated upon excluded the petty Indian possessions of France and Portugal, and the Kingdom of Kashmir and Nepal, but it included British Burma, and the great Feudatory States of India, which owe allegiance to the Empress of India. In addition to the eight recognized Provinces of British India, three provinces must be added, under managment by treaty, *viz.*, Berar, Kurg, and Ajmir. The Native States were grouped as follow: Rajputana, Central India, the Nizam's Dominions, Maisor, Baroda, Travancore, Cochin: all these are under the direct supervision of the Government of India: the Native States, under the control of the authorities of each Province, were enumerated in the population of that Province.

The entire population of British India on the 17th February 1881, amounted to 253,891,821. It was thus distributed among the Provinces under direct administration of the English officials, and the Native Feudatory States:—

CLASS I.

Bengal	...	...	69,530,861
North-West Provinces		...	44,849,619
Madras	...	...	31,170,631
Bombay	...	...	23,395,663
Panjáb	...	...	22,712,120
Central Provinces	...	...	11,548,511
Assam	...	...	4,881,420
British Burma	...	...	3,736,771
Berar	...	...	2,672,673
Ajmír	...	...	460,722
Kúrg	...	...	178,302

CLASS II.

Rajputána	...	...	10,268,392
Nizam's Dominions	...	...	9,845,594
Central India	...	...	9,261,907
Maisúr	...	...	4.186,188
Travancore	...	...	2,401,158
Baroda	...	...	2,185,005
Cochin	...	...	600,278

The area of British India amounts to 1,382,624 square miles. The average for the whole Empire is 184 souls to the square mile, but a vast area is entirely devoid of population, and the density in many places rises above 700 to the square mile, reaching its highest at 1,335 in the Howrah Division of Bengal. The province of Independent Burma, annexed to the Empire of India in 1886, is, of course, not included in this total.

The inspection of such an awful collection of mortal souls, totally replaced by the ordinary course of mortality, in the term of about seventy year, but replaced like the ever changing water of a great river, by mortals of the same type, race, customs, religion, and language, is indeed one of unparalled interest, and can be considered from a great many points of view. It is a notable fact, that there are twenty-one million widows, and 13,200 lepers: the love of statistics might produce several strange phenomena: the compiler of social customs would come upon many strange facts, such as polygamy, polyandry, and the "throwing the sheet over the widow of the elder brother," the systematic killing of female progeny, the eunuchs and dancing girls, and professional beggars. Add to this the strange variety of the mode of disposing of the dead by burning, burying, exposure to wild animals, scattering the ashes in a river, storing them up in metal or fictile receptacles, or sometimes keeping the body itself smoke-dried. In fact, there is no limit to the vagaries of human caprice, and nowhere can a study be made of more widely collected and correctly assorted materials, but our consideration is for the present restricted to the three great salient features of an Indian population: Race, Religion and Language, leaving to others to study the proportion of the sexes, in itself a wonderful problem: the rates of mortality and births: the tables of longevity: the number of afflicted with natural or acquired infirmities, the progress of education, the proportion of rural to urban population, the variety of occupation; the ebbing and flowing of emigration, either within the boundaries of British India, or beyond the seas; and the pressure of population on the means of existence. All these are things which the wise rulers of men ought to

know, and this justifies the great expense of a Census, and the perturbation caused to some classes of the community by the operation.

Race must come first. Kaltbrunner defines the comparative value placed by an ethnologist upon evidence derived from the physical features of race, and that from religion or language: the first is innate, inherent, independent of the will, and at least for the individual, is incapable of change. A negro can, and does, change his religion, language and country, but is still a negro, and it would take many generations to efface the trace of a Negro ancestor. I think that it may safely be stated that in the length and breadth of British India there is neither negro, negrito, or negrillo, indigenous to the country. Negrito are no doubt found in the islands of the Indian Archipelago, and there may be aliens of African origin domiciled in India. Exclusive of the Albino, who is only a freak of nature, no one who has lived among the people of India, can have failed to be struck by the strange variety of colour, and stature, and character of the individuals, suggestion to the most casual observer, of a distinction of race, though all may be Hindu, and all speak the same language. A long continuous custom of only marrying within certain restricted limitations has prevented that fusion of the population which has insensibly taken place during the lapse of centuries in European countries. In Europe the strata of society are horizontal, dependent on hereditary advantages, or personal success. In India they are vertical: a Brahmin may be a sacrificial priest, a chief, a high officer of state, a soldier, a cook, an office-messenger, or a mendicant, but he is still a Brahmin.

The theories (for they are only theories) with regard to the occupation of India by its present population, are well known, and are settling down to a recognition of an aboriginal, or at any rate, primeval population, overrun by immigrants from the North-East along the valley of the Brahmaputra, from the North-West by the Bholan Pass, and the Kaibar Pass. This, in a general way, will account for the Tibeto-Burman, the Kolarian, the Dravidian, and the Arian subdivisions. Whatever may the theory, the fact of their existence, with very distinct differentiations is palpable, and the great peculiar Indian custom of caste is based primarily on those distinctions. Over and over again has the attempt been made by the lower strata of caste to do away with the custom. All religious reformers, the Kabirpanthi, the Sikh, the Buddhist, and the less well-known sectarians, have raised their hands against caste, but without much profit as regards India proper; in Burma it is so totally non-existent, that the local reporter of the Census has no allusion to the subject.

The reports of Mr. Baines in Bombay, and Mr. Ibbetson in the Panjab, the separate compendium of castes and tribes published by Mr. Kitts, and the list of caste names in Tamil, Telegu, Kanarese and Malayalin in Madras, are important contributions to the subject. Many essays have appeared from time to time in local periodicals, and the labours of General Cunningham in his Reports of the Archæological Survey of India, and of Dr. Hunter in his Gazetteer of India, have thown a flood of light upon the subject. The volume of Mr. Kitts is peculiarly valuable, as being the latest (1885), and based upon the facts collected in the Census of 1881, and compiled by one who had taken a share in that operation. The compiler of the general report excuses his shortcomings by pleading that he had not antiquarian tastes, and the peculiar knowledge which would alone permit of a full and enlightened discussion of the returns; but it is manifest, that any one of the three subordinates mentioned above, were fully capable of manipulating the collected material, as, indeed, Mr. Kitts has actually done. In his introduction, the author remarks that the subject has been hitherto a mighty maze without a plan: different names in different languages, differently transliterated, shrouded from correct classification, identical castes. In some cases the identity was obvious, in others, had to be cautiously ascertained. In Mr. Kitts' list No. 1 of castes, each numbering one thousand individuals and upwards, and list No. 2, showing the remainder of ascertained castes, these are no less than 1,929 entries. This number may be susceptible of reduction after microscopic examination, but very possibly may have to be enlarged. There are no less than forty-seven castes, which number more than one million, and of these twenty-one, each contains two millions and upwards; there are thirteen millions of Brahmins: eleven millions of Chumars, "or workers in leather," and twelve millions of Kunbi, the agriculturists of Southern India. These castes would take up the position of large nations in Europe: the three together equal the population of the British Isles: they are but items in the account of British India. Of Rajputs, there are eight and a half millions; of Bania, or shopkeepers, four millions; of Apir, or herdsmen, nine millions. Of Jat, the well-known agriculturists of the Panjab, there are four millions: of the Teli, or dealers in oil, there are three and a half millions. These astounding numbers give rise to deep reflection.

Mr. Kitts affirms, on the substantial data of the Census, a fact which has been loudly and long asserted by all who are well acquainted with the Indian people, that *caste is not necessarily conterminous with religion.* Among the one hundred and eighty-five largest castes in the Panjab, there are only forty-three, the members of which all belong to the same religious sect.

In Bombay and Berar, members of the same caste are found to be Jain, or Hindu. Neo-Mahometans retain with pride their old caste names, notably the Rajputs, and it is quite possible and. reasonable, that a Neo-Christian will do the same. In all cases, where the individual has an obscure or discreditable connection and origin, the Neo-Mahometan is glad to start a new career as a Shaikh, and the Neo-Christian as a Nasári; but not otherwise.

Mr. Ibbetson, in his admirable and exhaustive essay on Caste in the Panjab, swept away the illusion (1) that *Caste is an institution of the Hindu religion* and wholly peculiar to that religion; (2) that it consists of the old powerful classification of Manu; (3) that it is perpetual and immutable. The real state of the case is fully and fairly stated by him, (and I entirely agree with him) in that it is *a social* rather than a *religious* institution, and has no necessary connection whatever with the Hindu religion, as is proved by the fact that conversion from Hinduism to Mahometanism, in ninety cases out of a hundred, has not the slightest effect upon a man's caste. The Sanscrit legends tell us in great detail how one famous man was able to alter his caste: as a fact, it is notorious in the country side, how certain well-to-do merchants of a low caste manage gradually to grow into a higher one, and this has passed into a proverb. Nor are the rules of caste the same. Some Brahmins will not consort with, eat with, or marry with, other Brahmins; while on the other hand, all the Brahmins of the Panjab known as the Saraswat, eat with the Khatries, and sometimes a man of another caste has by custom crept into this privilege also by tacit permission. I have known instances.

Community of occupation is quite as much the basis of caste as community of origin. Manu's four-fold division of priest, warrior, merchant, and the common herd, indicates this. The custom of Oriental countries is to make occupation hereditary, and this feeling is strengthened by the absence of education, the difficulty of locomotion, and the paucity of varieties of occupation in a community with simple wants: as betrothals and marriage always took place in the infancy of the parties according to the arangements of the parents, and not the fancy of the individual, they were always strictly endogamous. The nobles of France and Spain became a caste, because they always intermarried among each other; the nobles of England never became a caste, as they enjoyed full liberty of selection from the families of their neighbours of lower degree. It was with the object of checking, once for all, the dangerous tendency of the office of priest becoming hereditary in Levitical families, that led the Pope to impose celibacy upon the Romist clergy; it has so far succeeded, but any interference with the

fundamental law of the human race, bring with it countervailing evils.

The lower the caste, the more trouble is caused by caste-assertion. In the North of India we hear little about it. The railways, the roads, the schools, the ferries, the choice of employment, the courts of justice, are open to all without any distinction. Some classes of the community may avoid the touch of other classes, just as we do of a sweep, but the law would not tolerate any overt act of offensive caste rules, such as used to prevail in South India, where women of some castes were not allowed to wear a cloth above the waist, and in the public road, the so-called low caste had to stand aside to let the high caste pass. Eight hundred years of Mahometan domination, followed by a century of English rule, has got rid of this kind of nonsense. In South India all the castes were extremely low: the Sudra counted high, on the principle of a one-eyed man being king among the blind, but beneath the Hinduized Dravidian were several strata of pagan Dravidian Devil-worshippers, men of unclean habits, and low occupations. Many of these have become Christians, and regarded it as a step in social life; and no doubt it is so, when accompanied by education, and the adoption of a higher morality, and a more decent mode of life, and they have a perfect right to elevate themselves.

The missionary will persist in denunciations of caste, and asserting that it is the great impediment to conversion. He does not reflect that there is no caste in Burma, or the Southen portion of Ceylon and China, Japan, and the rest of the world, except India, but there are equally great obstacles to his operations there also. Everybody must have something to abuse, and that sŏmething is generally one, the nature of which is not understood. The Chinese missionary has no caste, so he fastens upon the opium trade. The African missionary has a more real grievance in cannabalism, lawlessness, and sorcery. Of course, in one sense, caste has the nature of religion, in its original sense, *as "something that binds fast."* The Hindu religion, consisting exclusively of ritual of the most trivial character, with the ordinary common herd is reduced to a mere name. A Hindu becomes a Roman Catholic with the slightest effort, and passes from one empty ritual into another without any strain of conscience. Whatever did survive of the religious element was, the desire so to conform to the custom of his friends and relations, as to be able to eat with them, smoke with them, and get a wife from their families. This he would call his caste, or *dharm*. So among wordly men in Europe, honesty and honour take the place of the religious element. They neither enter a church, or repeat a prayer, or care for a future state, but they wish to be treated conventionally as

Christians, and not to be excluded from the good fellowship of their equals. This is their religion, at least, all that has survived of it. It ill becomes an English missionary to press the subject too closely, as he would naturally object to taking his meals with the converted sweeper, and would shrink from giving his daughter, brought up carefully in England, in marriage to the pious and trusted Native pastor, whom he loves as his friend. He insensibly, and rightly, and naturally, recognizes that there is *an indelible distinction of race*; not that one race is intrinsically better than the other, when both are equally educated and virtuous, but that they are different, and not intended to intermix without leading to inconveniences. This quite justifies him in setting his face against caste pride offensively exhibited in the school, the church, or in public life, but in the privacy of his home, the Neo-Christian has a right, in which the law will protect him to marry into such families only as appear to him proper, and to decline to sit down to meals with men of different culture, habits, and ideas of personal cleanliness.

What is now required is a carefully and scientifically edited dictionary or gazetteer of the castes, and tribes, and social distinctions of British India, arranged alphabetically under the leading name, but carefully giving all the synonyms, and alternative names, carefully transliterated in the Roman character, and given also in the local Indian character. It is an idle war to fight against caste which exists in the atmosphere of India. The English is but an additional caste to the previously existing catalogue. There are also many compensating advantages. All secret societies of a dangerous political character, are impossible in a population which is honeycombed with deep, though innocent, fissures: the panchayet of the caste is a welcome and powerful ally to a just ruler: the old Roman proverb applies—*Divide et impera.* Difference of religion and language, great as they are, are scarcely so operative as difference of caste. Then, again, the necessity of a general poor law to relieve the indigent is obviated by the existence of caste. The respectability of a community is maintained by the enforcement of wise caste rules: they are felt, though not written, by Europeans in their own country. The English Government has steadily ignored caste, as far as the administration of public affairs is concerned, but respected the private rights of every class of its subjects, and the Civil Courts will give a remedy for any wanton outrage of the feelings of the meanest of its subjects; while, on the other hand any attempt to monopolise the use of wells, or other places of public convenience, or to place any section of the community under a ban, causing injury to person or property, is sternly repressed.

I pass on to the subject of Religion :—

The following table shows the distribution of the population according to Religions. They are arranged according to the chronological order in which they appeared in India, and in even hundreds :—

		Rs.
A	Pagan, or Nature-worshippers ...	6,628,000
B	Hindu, or Brahmanical ...	192,604,000
C	Buddhist and Jain	4,640,000
D	Mahometan	50,000,000
E	Fire-worshipper	85,000
F	Jew	12,000
G	Christian	1,861,000
H	Brahmo	1,000

It is a solemn consideration that this multitude of multitudes have been passing on from generation to generation (ever since the time of Alexander the Great as a historical certainty, and for an unfathomable period previously) from the cradle to the grave, each class of religionist along his own groove of convictions for this life, his ritual, and his ideas of the future, and, with the exception of the few scores of intelligent Protestant converts, without the slightest ability to give and account for the faith that was in them, and without the faintest desire to inquire whether it was right or wrong. On the first aspect of the subject, it would seem as if Religion was an empty form, a delusion ; and yet it is not so, for many would give up their lives readily to maintain their so-called religious convictions, and morality is not totally dissociated from the religious conception : and it may be said generally, though sadly, that it is better for the welfare of the immortal soul, and the purity of the mortal body, that a man should be a Hindu, a Buddhist, a Fireworshipper and a Mahometan, than be a sceptic, an unbeliever, an agnostic, or an atheist. In the one case there is the desire, though imperfectly displayed, to acknowledge the Supreme Ruler of the Universe, and bow humbly before him : in the latter there is naught but an arrogant reliance on self, and a soul and conscience lulled into a fatal sleep, calling to our recollection that sin, which can never be forgiven in this world or the next.

The enumerators of the Census, followed by the reporters, enter separately the Sikh, the Satnami, and the Kumbhipathia, but they have now been included under the general term of Hindu. The Nat-worshippers, and the "unspecified" have been included under the general term Nature-worshipper, and the Buddhist and Jain have been lumped together. There was a great difficulty in getting people to state their religious faith. No doubt the present return is only an approximation to the

truth, but it is a sufficient one. The more accurately defined the religion, the more easily can the followers be enumerated. Thus, the returns of all, with the exception of the Hindu and Nature-worshipper, can fairly be relied upon. These two last are surrounded with uncertainties.

Let us first consider the pagans or Nature-Worshippers. It is necessary to have studied the circumstance of the population of Africa, America, and Oceania, to realise upon what a far higher platform of culture the people of Asia stand. If it has been decided, and rightly decided, that to the greater part of the African, American, and Oceania populations the term "savage" cannot justly be applied, and that the term "barbarous" is more suitable, when we come to consider the people of India, we feel that the term "barbarous" does not apply to any portion of the population, with the exception of the Nature-worshippers, and not to all of them. The rest may be poor, degraded, uneducated, yet they are in possession of an ancient culture, not, indeed, a high culture, but one that is essentially Oriental. Some distinguished writers, such as Tyler and Lubbock, have written upon this subject of Primitive Man, and the museums of Europe supply evidence that marks the progress upwards.

Those who had charge of the Indian Census seem to have had no independent knowledge of this subject, and this is the weak side of the Report. The history of the Arian invasion of Northern India is well known. They advanced from the direction of the Hindu Kush across the Indus, and occupying the Punjab, where the groundwork of their polity was fixed and the Veda written, they pushed down the valleys of the rivers Ganges and Indus to the sea which is mentioned in the Veda, and across the Vindha Range into Maharastra, but they found the country already occupied by darker and less cultured tribes, represented, to the present time, by the Non-Arian races of the Dravidian, Kolarian and Tibeto-Burman. Now, many of these have been Hinduized, and therefore, from the point of view of Religion, are correctly entered as Hindu. But these races may be divided into another category. Part of these non-Arian races retired before the invaders into impenetrable mountains and forests, and there maintained a rude independence and individuality, but a portion were overrun, and came under the domination of the invaders, and became hewers of wood and drawers of water, helot and servile races, discharging certain duties in every village and town of a very necessary character, but not blended with the superior race, and never admitted to their religion. Of these helot races the Chumars are a notable instance, who count as many as eleven millions, and ought never to be reckoned as Hindu. According

to this view, the return of the Census is very defective, and it will be found that the number of non-Arian Nature-worshippers far exceeds the six millions assigned to them. This is a branch of the subject which will require special notice at the next Census, and the returns must be compiled by one who is an adept in anthropological studies. There is no reason why the phenomena recorded should not be reduced to order, and it may be found possible to divide the population according to their peculiar beliefs, deities, and customs into sub-groups. It must, however, be recollected, that these aboriginal races are slowly passing under a process of assimilation with their more powerful neighbours In the Provinces of Bengal, millions have adopted the faith of Mahomet: in the Central Provinces there is a tendency to Hinduize, and in Burma the attraction is to Buddhism. The Khond will still be a non-Arian, notwithstanding that he may have been admitted into one of the lower strata of the Bramanical fold, and have adopted the Arian language of Orissa. Education and administrative arrangements may unintentionally accelerate this process, though for the sake of the stability of the English Empire in India, it is to be deprecated. As long as race is the leading feature, any combined action of the different units of the population to form a nationality is impossible, but when the dominant religion and language have been adopted, the feature of race falls to the background, and populations sometimes gravitate together by the more demonstrative links of religion and language. The chances are however, against the phenomenon in India for many centuries.

The Census returns exhibit the Nat-worshippers as a separate item: they are recorded only in British Burma, and it was illogical to record them as a main subdivision; they stand on the same platform with the Bhút-worshippers of Southern India, and are but a species of Nature-worship. Nats, are spirits supposed to inhabit natural objects, celestial and terrestrial, and to interfere freely in the affairs of man. Some are evil, and their ill-will has to be propitiated by offerings of plantains, cocoanuts, fowls, or other such gifts. Some are kind, and their favour has to be secured. This belief has remained underlying the creed of Buddha: many Karen, and wild tribes, call themselves Buddhist, though in reality they cling to their old conceptions of animate Nature. It is the same feeling that gave birth to the beautiful visions of the Greeks and Romans, peopling the hills, and the groves, and the streams, with nymphs and satyrs. The same feeling has transformed itself into the worship of local saints in the Roman Catholic Church, and, in another form, the fairy and the sprite have dwelt in the fancy of the English rustic up

to this century. As was to be expected, the cold, hopeless, passionless form of a theistic morality was not adapted to the ignorant, degraded, yet excitable oriental races of the Indo-Gangetic peninsula, without a large admixture of the follies and extravagancies of Nature-worship, which clung to the skirts of its clothing. The mind of man cannot get free of anthropomorphic conceptions, and cannot get beyond its own intellectual environments. We shall find this phenomenon more distinctly exhibited when we come to treat of the far purer, and more exalted, tenets of the Mahometan monotheism.

But the reflex effect of the Pagan cults has been felt upon the Brahmanical conception and ritual: hence comes the worship of local shines, like the lofty hill of Naini Devi, of the naptha fires at Jwala-Mukhi, and the floating rock in the lake at Mundi, all in the Panjab. There are local objects of pilgrimage elsewhere, where the priests in charge are not Brahmins, and yet they are frequented by devout Hindus. On the other hand, the non-Arian races, as they advanced in culture, had a tendency to establish places and ritual of worship, and to secure the services of the lower class of Brahmins to officiate, just as we read in the Old Testament of the non-Hebrew settlers in Palestine securing a Levite to establish a ritual for their Teraphins. There is a fashion in religious cults, as in many other matters. In the South of India we hear of ghost-worshipping, and devil-worshipping; the Brahmanical religion did not extend to the same classes more than in name. The husk of Hinduism has not hardened round them, and hence we find that the spread of the Christian religion has been more extensive there than anywhere else. In the Central Provinces the Santals and Koles were equally outside of the Hindu fold, and the English Government is not restricted from the reasonable encouragement of the missionaries to civilize and convert such pagan tribes, as their pledges of religious neutrality are solely to the Hindu and Mahometan.

The Chumars have been already alluded to, and to these may be added a legion of names of the same nondescript class, and so-called out-castes; they eat dead animals, the idea of which is enough to make a good Hndu crazy. I once came suddenly upon the Ganges at Benares in my evening walk, and found a party of these gentry cutting up a dead horse, with all the gusto which is credited to the African in the books of travellers, when an elephant, or a hippopotamus, or a rhinoceros, or an English traveller is killed. The greatest difference occur in the disposal of the dead. The Chumars carry their dead on biers calling out——

Tu hi hai: tain ne paida kia; aur tainne maria.

"There is but Thou: Thou hast given, and Thou hast taken away." This shows that in this particular, at least, they have got to the root of the matter.

We pass on to the Hindus. On the subject of the Brahmanical religion profound books have been written, but they all fail entirely to convey the faintest idea of the religion so-called, but actually practised. They describe Hinduism as it ought to be, or as at some remote and imaginary period it once was, and as some educated Brahmans still try, or pretend, to practice it. The remarks of the Continental scholar, who has never visited India, on the subject of the Brahman, the ritual, and the temple, seems to one who has lived among the people quite ridiculous. To him the officiating priest seems to be a learned and devout ecclesiastic; to the ordinary Anglo-Indian the same individual appears as a dirty, uninteresting, naked native. The esoteric doctrines play a very small part, indeed, in the daily belief of the masses. All is centered in ritual, and one member of the family does all that is required. In fact, the modern form of Hinduism is extremely material, debased by the contact of Mahometanism, by the absorption of the deities of the pagans, by the worship of household and village godlings, by a low kind of fetichism, by adoration of plagues, like "The small-pox," of the sainted dead of ancestors, the malevolent dead, by the use of charity, divination, and exorcism, and by the wildest superstitions and fancies; add to this an unbounded variety of practice by different castes in different localities.

It is not clear why the compilers excluded the Sikhs or Singhs of the Panjab from the Hindu family: they would be much surprised to find that they were not deemed Hindus. The Sikhs are certainly Hindus, and becomes a Sikh by taking the Pahul, and submitting to certain customs, such as never shaving or smoking tobacco. In its later development, it was essentially a political movement of the lower classes: none of the higher castes became Sikhs; and, now that power and prestige are gone, it must be on the decline. I lived among them many years, and learned to appreciate their manly virtues: over and above the Hindu books and ritual, they had their own sacred book, the Granth, and their own ritual. As a rule, they are essentially respectable agriculturists, with a potentiality of becoming soldiers. If credit were given to books, we should find Mahometan Sikhs. I never heard of such a thing: the Sikhs are the deadly enemies of Mahometans: whatever Nanak may have dreamt of, when he formed his community of Sikhs or "disciples," Govind founded a community of lions or "warriors."

The "Satnami" should also be included among the Hindus,

at least for the present: they are found only in the Central Provinces, and numerially do not reach half a million, and already have two irreconcilable factions in their midst. Unlike the Sikh, and the Buddhist, and the Brahmo, they have borrowed nothing from the outer world: their attempt is to reform out of their own consciousness their hereditary faith: they have obtained a glimpse of the truth, *i. e.*, the worship of the one true God—"the true name," and hatred of idols, and levelling of caste distinctions, though this last feature loses its value, when we are informed that the majority are Chumars, men with no caste, whom I have classed with Nature-worshippers; but the Satnami are something better than that, for they appear to be Hindus improving into something more exalted, not Nature-worshippers improving into becoming Hindus. Some of them have learnt to abstain from liquors and drugs, animal food, and the observance of Hindu festivals, and they hate the Hindus and the Brahmins. They have no place of worship or priesthood, and one informant tells us, that they are creating a host of deities and deified heroes. It is the old story, that pure theism is incompatible with a low state of intellectual culture: they cannot see beyond the near horizon into the far distant one; they have no elevated dogma like that of Mahomet: their worldly circumstances are very bad: education is almost non-existent. As a matter of fact, the Satnami is as superstitious an idolator as the most ignorant Hindu.

The Kabirpanthi are only recorded in the Central Provinces, and are less numerous than the Satnami. Kabir was one of the disciples of the celebrated Vaishnavite reformer, Ramanand, who, in the fifteenth century of the Christian era, with great boldness, attacked both the Veda of the Hindu, and the Korán of the Mahometan. He left a sect behind him, but they never attained a political existence: he lived and died near Benáres. Nanak, the founder of the Sikh sect, was his more fortunate pupil and follower. Kabir must be classed as a reformer within the body of the Hindus, and his followers are reformed Hindus, just as much as the Wahábi are reformed Mahometans, and the Protestants are reformed Christians. The very fact that the disciples of Kabir revere him *as an incarnation of the Deity*, show that they are still Hindus. The followers of Buddha have no such delusion. The mantra of initiation with which he received his disciples is in the name of Rama, one of the Hindu avatars. We find that though theoretically there is no distinction of caste, yet each caste of the Kabirpanthi keeps very much to itself; and more than that, they intermarry with pure Hindus of the same caste: the tendency is to give up all but the mere

name. Under these circumstances the reporters of the Census were wrong in entering the Satnami as a separate heading, especially as they included the much more pronounced Chumar and Lingaite as Hindus. It is admitted by the reporters that the Kumbhipatra were entered as a separate heading wrongly, and the same error applies to the Sikh, Satnami, and Kabir-panthi.

Separated by a vast abyss of religious conception from the Hindus, is the Buddhist. Volumes have been written on the subject of this mighty movement, the very thought of which causes amazement. One of the most astounding features is, that there are not 200,000 Buddhists to be found in the whole of India, West of the Ganges, the birth place of the doctrines, where once, as evidenced by the widely-spread pillars of Asoka, it ruled supreme. In the Indo-Chinese peninsula it is the dominant religious form: there are more than four thousand Buddhist monasteries in British Burma, and the number of priests (celibate) amounts to one in every five hundred of the population. The annexation of the Kingdom of Ava, or Independent Burma, will have added largely to the number of Buddhists in the next Census. About 3,000 are enumerated in the Spiti district, in the Himalaya, in the Panjab.

I have, contrary to the enumeration of the reporters, annexed the Jain to the Buddhist. I admit there are difficulties, but, although they are often described as a sect of the Hindus, they are more akin in their religious professions to the Buddhist, and I am at this moment regarding the population from the point of view of religion. The subject has not been fully studied. The Jains have played a great part in the history of India, and left an enormous literature behind them. Rhys Davids is of opinion that the few Buddhists who were left in India at the Mahometan conquest of Kashmir, in the 12th century, preserved an ignoble existence by joining the Jain sect, and by adopting the principal tenets as to caste and ceremonial observations of the antecedent Hindu creeds. Forty-two thousand Jains are enumerated in the Panjab returns. I have come into contract with men who were said to be Jains, and at the same time were Suraogi Banya, called in vulgar parlance Agarwal. One of the chief features of their religious observances is their extreme respect for animal life, which they carry to the absurdity of keeping their mouths covered with veils to prevent the chance absorption of an insect. Two-thirds of their number are in Rajputana and the Bombay Presidency. It is to be hoped that at the next Census we shall have more accurate information on this subject.

Little need be said with regard to the fifty million of Mahometans, except to notify that their number is increasing by

the peaceful absorption of non-Arian tribes. Of the whole number not much less than half are found in the Province of Bengal, who are lax Mahometans, being in fact non-Arians, nominally converted, and known as Ferázi. In the Panjab there are ten millions, some of whom are of the stock of the original invaders, but in the time of the Great Moguls, many great tribes were by force or bribes, converted, and are Mahometans, without giving up their proud caste title of Rajput, and preseving their own Hindu customs having the force of law with regard to marriage and inheritance. One of the Rajas of a great Rajput clan in the Himalaya, is a Mahometan, and rules without prejudice over his Hindu clansmen. Many of the Indian Mahomedans would be considered very lax professors of their faith, for they sacrifice to local deities, let their wives sacrifice to Sitala, the small pox: they keep a Hindu family priest, are very lax in their prayers, and totally neglect their fasts: to some extent Hindus and Mahometans go to the same shrines: in two districts I discovered that they intermarry. There is a great deal of opportunity for a Wahabi reformer, but it is as well for the peace of the Empire that they should be as we find them. They are quite as much observers of caste-rules as the Hindu, and it is with a feeling of surprise, that the Englishman finds himself allowed to eat and drink with a Mahometan in Kashmir, as he is in Western Asia. One thing, however, is obvious. Under the scorching light of education, and the electric contact with other nations, Buddhism, Hinduism Fireworship, Natureworship, wither away, and become despised; but this is not the case with the Mahometan; he has nothing to be ashamed of in his tenets, if he can once understand them, and of his Koran, if he can read it in the original or translation, and act up to it. He may yet be a powerful factor in the history of India, and a fierce antagonist to the spread of Christianity.

The Fire-worshippers are Persian refugees at Bombay and on the West Coast at the time when the sword of Islam destroyed their religion in Iran: they have an Indian domicile of several generations, and have adopted an Indian language, the Gujarati, in supersession of their own; but they keep to a limited profession of their ancestral worship. They are respectable, wealthy, enterprising, and in every respect come nearest to the English, but their number is very inconsiderable, and they will never form a factor in politics. The existence of the Jew is interesting: no doubt, like the Falasha of Abyssinia they are not, and do not pretend to be, of Semitic origin, but they are alien proselytes. They call themselves Bene Yahud, and are insignificant, and may probably disappear, having no reason for existence: they have no knowledge of Hebrew, nor

any translation of the law in their own vernacular: if they had, they could hardly convince themselves that there was any covenant to them, and their Gentile offspring. The world is full of surprises; perhaps the existence of the Falasha and the Indian Black Jew is not the least.

The Christian population is one and three quarter millions, but the whole of the English Army, and all officers in Civil or Military employ must be deducted, being undomiciled aliens. It may be doubted whether any European British subject is domiciled. On the other hand the Syrian Christians and the Armenians belong to a period antecedent to British rule: the great majority of the Roman Catholics are merely skin-deep Christians, who have exchanged Ram Ram for Ave Maria. There remain the Eurasians, and the converts of the numerous Protestant Missions of all the Churches. These may, hereafter, be a formidable factor.

Last in the list is the youngest religious development known as the Brahmo: the numbers recorded are few, and in the report it is stated that these numbers are much understated, which seem strange, as the tenets are very distinctive, and the holders of those tenets are men of education, and not ashamed of them. It is emphatically a new religion, the result of the contact of the Christian, or at least European, civilisation with the decaying Hindu fabric. As it cannot be enumerated under the Hindu heading, which it has entirely broken with, and the Christian, which it has not attained, it must necessarily stand alone. Standing on the confines of an old and new Faith, it is a mixed religion, in the same sense as we write of a mixed language. The tendency of such a religious conception is to pass away into theism, agnosticism, or indifferentism.

It must be recollected that the calm, and even disdainful tolerance of the English Government has greatly tended to re-establish Hinduism, which had been persecuted by the Mahometans, notably by the Sikh Rulers of the Panjab. The rules of caste have been lightened, temples been built, pilgrimages of enormous distances have been facilitated for vast crowds, who formerly would have shrunk from the perils of the way: all taxes upon temples have been remitted, and, in many cases, large endowments have been left in possession. On the other hand any idea that the Hindu gods had the least power to cure evils, or inflict evils in this world, send rain, or withhold it, must have utterly passed away: the presence of the fifty millions of Mahometans, and the annually increasing Christian communities, must have removed that idea. The Egyptians of Alexandria really believed that when the Temple of Serapis was destroyed, the world would come to an end. No Hindu would believe that now with regard to Jugurnath.

or the great temple of Banáres. He likes his old ritual and is glad to keep it, and, having always been tolerant himself to every form of belief and unbelief, he appreciates the entire toleration which he enjoys.

Gradually the officers of Government have withdrawn from all connection with Hindu ceremonial: no money is given to Brahmins to pray for rain, no benefit of clergy is given to a Brahmin offender, no sanctuary is allowed in a Hindu temple. Annual processions are only so far accompanied by the Police, as to prevent molestation from Mahometans, and a breach of the peace. No Englishman falls so low as to contribute to the erection of a Hindu temple. Nautch dances connected with religious ceremonies, are falling out of fashion: the race of public officers who did not mind sitting in Durbar like merry-andrews, with sacrificial garlands round their necks, has passed away. Education is quietly sapping the whole fabric. Idolatry cannot stand the scorching glare of publicity and knowledge: Mahometanism can: there is the difference. The heat of the flame melts the one, which is based on a lie till it disappears; it refines the other, which is based upon indestructible truth: the existence of one God, all wise, and all mighty.

Passing on to the great subject of language, I cannot congratulate the compiler either on the method adopted, or the success of the compilation: in fact, it is as bad as could well be imagined. In spite of my advice communicated before the Census, no list was supplied to the local compilers of the languages and dialects which they were sure to meet, and the synonyms which would probably occur. The consequence has been a most discreditable and unprofitable return, made absolutely ridiculous by the following peculiarities:

No less than twenty-two million seven hundred thousands are entered with no specification of language at all: thirteen thousand nine hundred are similarly entered as Wild Tribes, yet wild though they were, they must have been Hindus and had a form of speech: in all probability any text book would have supplied the language. European languages, dead and living, are heedlessly entered: I should like to know more about the single individual who entered his vernacular as Latin, the thirteen hundred as speaking Sanskrit, and the one who spoke Slavonic.

We have next to clear away the following European languages which are all mixed up in the alphabetical list with the languages of India: English, Scotch, alias Keltic, alias Gaelic, for they are all entered; Irish, Welsh, French, Dutch, Flemish, German, Russian, Italian, and Maltese, Greek, Romanian, Spanish, Portuguese, Danish, Swedish, Norwegian, Finnish, Hungarian, Polish, Lapp and Swiss. The following Asiatic

languages follow, which belong to regions beyond India, the Indo-Chinese peninsula, and the Indian archipelago: Persian, Japanese, Chinese, Turkish, Armenian, and Arabic. Nine hundred persons are entered as employing Hebrew as their vernacular, which is most improbable: two residents of India are credited to communicate their ideas in Syriac, and two thousand speak a language called African: why not enter the others as speaking European or Asiatic? To no one it is imputed that they speak Australasian or American. It is amazing that a Census Return of India for 1881 should record 124 speakers of Scotch, 149 of Gaelic, and 2 of Celtic!!

We now approach India in its indirect sense: Many names are entered twice under slightly varying forms. Twenty-three thousand are entered as speaking Panjabi dialects. Now, the Report for the Panjab is singularly full and instructive, and with a little care these dialects could have been entered under their parent language. The form of speech of a region or a tribe is called a language: the local variations of such language, spoken in particular districts, or by particular sub-tribes are dialects, just as the Venetian, Neapolitan, and Sardinian are dialects of Italian. It is obvious, that where the returns have been prepared in this way, the work has not fallen into sympathatic hands, and there is much left to be desired. The transliteration of names is not that adopted by Hunter's Gazetteer, and scores of names of recognized languages or dialects have been omitted. There are, no doubt, great difficulties: a great deal of additional information is required, but this end can only be reached by keeping to the lines already laid down. There are transitional regions on the border of the language-field, or a mixed patois in a debatable region: aliens who have domiciled for many generations and have adopted the vernacular of the region, often retain a household patois borrowed from their ancestral language. This may account for 15,700 speakers of Persian.

The received classification of the languages of India, Indo-China, and the Indian Archipelago is as follows:—

1 Arian family { A Iranic branch / B India branch
2 Dravidian family.
3 Kolarian group
4 Tibeto-Burman group
5 Khasi
6 Tai family
7 Mon-Anam group
8 Malayan family.

The word family implies actually ascertained affinity: the the word group implies a less intimate, or less accurately ascertained connection, possibly only a geographical approximation.

It may be stated that the progress of knowledge of the Languages of India, if evidenced by the General Report of the whole kingdom, is certainly retrograde: the compilers had not taken the trouble to consult the most ordinary text book: many of the supposed facts which he exhibits in his Table of Languages, in his notes attached to that table, he discredits and declares to be inaccurate: the reader can only ask, why did he not correct the table? The reply seems to be that the table was compiled by ignorant mechanical collators of the Provincial returns, and not looked at by the general compiler, until it was in print. It appears that the Chief Commissioner of Assam, one of the most interesting Language Fields, sent only naked statistics and no report. If it really was intended to schedule among the languages of a Province, the Argot and trade-jargons, they should have been entered in a separate category.

In the Arian family we find the two leading languages of the Iranic branch, the Pushtu and Balúchi, and ten leading languages of the India branch, Kashmiri, Sindhi, Panjabi, Hindi, Nepali, Asamese, Bengali, Uriya, Marahti and Gujarati. Some interesting particulars with regard to dialects are added. The relation of Hindustani or Urdu, the great lingua franca of India, is misunderstood: it is only a dialect of Hindi, which is spoken by the largest population in the world, and has a tendency to expand and absorb its neighbours, notably the Panjabi. It is every way more convenient for the present to treat Hindi as the unit, and then allow full room to its magnificent dialects, such as Bhojpúri, Maithili, Braj Basha, Bagri, Pahári, Jathki, Marwári, Chatesgarhi, or any others. In course of time they will establish an independent literature of their own, and raise themselves to the position of independent languages, their special idiosyncracies and divergencies being brought to book. Whether the Hindustani has attained an existence geographically is doubtful: it is the language of the educated classes, over a vast region, and the official language in two great Provinces However, in a country like India, where the agricultural classes form such a vast majority, we must know what language they speak. Hindustani does, indeed, resemble English in its hybrid character, and power of absorption of foreign word stores, and foreign word formations, yet it differs in two essentials. It has fallen into the fatal error of arranging the words in a new national sequence, contrary to the position in which the the idea rises in the mind, *e. g.* instead, "Why have you not obeyed my order?" we insensibly, in Hindustani, following the Sanskrit idiom, say "By you, my order why not obeyed?" A still more formidable obstacle to its world wide expansion, is its slavish adherence to the shackles of gender and numbers, from

which the English, destined to be the World Language of the next century, has freed itself. Of what possible use was it to make adjectives, and pronouns, and even verbs alter their final vowel with reference to the gender of the noun? The Persian language, to which the Hindustaní is so largely indebted, had got rid of this badge of linguistic slavery, and the English is as free as air, making no difference betwixt an old man and an old women, or a naughty man and a naughty woman, without any loss of perspicuity.

We are greatly indebted to Hœrnle, Kellogg, Beames, Grierson, Growse, and others for their important studies on different portions of the Hindi language, but much remains to be done to record the effect of the contact of this lordly vernacular with Dravidian and Kolarian elements, and with its sister vernacular in Central India. The reporter of the Census for the Panjab, Ibbetson, though he disclaims any pretence to being a philologist, has contributed most important information. What is now required is, that a large map of the Hindi Language Field should be prepared; and after information has been received from each sub-Collectorate, of the proportion of the population speaking each dialect, it should be exhibited on the Language Map by shades of colour. It is of the utmost importance for the well being and peace of the people, that the officials, native as well as English, should be able to hold converse with the agriculturists in their villages. The sections of the population marked by these variation of dialects are not petty tribes, but in some cases are counted by millions.

I pass on to the Dravidian Family. New names of dialects come to the surface, and old well known ones have been ignorantly and unsympathetically treated. The four great Dravidian languages will probably swallow up their small and adjacent congeners, but the Gond, the Khond, the Uraon, and Rajmukáli, or Maler must either hold their own, or fall before their great Arian neighbours. If this happens by a natural process, it can neither be arrested, nor ought it to be regretted; but it is a terrible scandal, that there should not be a single Gond speaking school amidst a population of more than a million. I strongly remonstrated against this some years ago, and was answered, that the Gond had no written character, and had no right to exist. This is a policy more worthy of the French, German, and Austrian Governments than the English. The Gond language is described by Caldwell as being a language of great linguistic capacity. If the absence of a written character be the test of vitality, what will become of the great vernaculars of South Africa? Neither administrator nor missionary has a right to set aside

a great vernacular, living in the mouths of the people, from mere laziness or sheer stupidity. The unanimous judgment of the English statesman and the Protestant philanthropist is against such a course.

Next in order come the Kolarian group of Central India. One, at least, of that group, the Sontal, will survive, and from the logical beauty of its structure, is worthy to survive. The poor miserable fragments of old half extinct vernaculars will, like the languages of the Bhil, disappear, and form one of the dialectal variations of the adjacent Arian language. The Mandári will have a hard struggle for life, though, at present, the vernacular of three quarters of a million. In a South Sea Island, or an isolated peninsula, such a language would live for ever, but the Mandári has to resist the aggression of the Hindi, Bengali, and some Dravidian language, and the odds are against its survival in the struggle for life.

Of the vast group, the Tibeto-Burman, only a portion appears in the reports of the Census. The languages of Nepal, an independent kingdom, are not included. The Tibetan appears in the hill tracts of the Panjab, and is reported to be advancing: it appears again on the Assam frontier. As the Assam authorities sent in no report, and the general compiler did not care to consult the latest authorities, the report of the language of that Province is most unsatisfactory. The identity of the Kahkien and Singhpo had escaped notice. The languages of the tribes in the intermediate zone, betwixt Bengal and Burma, have escaped observation, though fully reported by officers of Government such as McCulloch. Of British Burma we have full information in the local Report, and an additional notice by Dr. Forschammer of the Educational Department. The isolated language of Khasi, and the languages of the Tai, Mon-Anan and Malay families are inadequately noticed. It requires no little study and consideration to find out the locality of such random and mispelt entries as Bhuin, Chin, Chau, Dainet, Hajong, Yebein, Salone, and others. One entry defies all research. The brief notices attached to each name are singularly inadequate, and often misleading.

No passing allusion is made to the multiform variety of written characters used in India for literature that passes through the press in published works, and in the scores of unshackled daily and weekly newspapers, in the vast epistolary correspondence that is conveyed with rapidity and inviolate sanctity from one end of the Empire to the other, in the account books of the banks, the merchant, the village accountant, and the copyist of religious manucripts. No country can display a parallel. The indigenous characters were

undoubtedly all developed from one parent stock, as exhibited in the tablets of Asoka; and the characters then used—ten centuries before the Christian era,—betray a contact with the great Phœnician alphabet, the great mother of the alphabets of the world. Over and above the indigenous alphabets, is the great alphabet of Arabia, and over and above that, is now the great alphabet of Rome; and those of us, who have used them all three concurrently, and with no exertion in the discharge of our daily duties, know that all three, however different they may appear in their modern form, are sprung from the one great alphabet mentioned above, which Tyrian merchants, at some remote period, brought back with them from a study of the Hieratic manuscripts in Egypt.

The preparation of the next Census should be entrusted to a Commission of three persons, professing distinct qualifications. I. An official versed in statistics, and no doubt the compiler of the present report was eminently qualified for that portion of the operation. II. An individual who has studied anthropology, ordinarily a medical man. III. A philologist from the ranks of the educational department. To them should be entrusted the duty of preparing the instructions to the local census takers, and the forms, as well as compiling the results, and the whole operation should take place in India, down to the correction of the last proof, and not in London, where it is impossible by a reference to a correspondent on the spot, to clear up a difficulty, or correct a manifest error which springs up at the last moment. It is of no use throwing voluminous tables of naked figures at the heads of the readers, like a bundle of bones of a skeleton. They must be clothed with flesh, their purport explained, and the conclusion to be drawn therefrom philosophically indicated, A Census is prepared, not as a matter of antiquarian interest, but as a barometer to warn and caution administrators of complications with which he may have to deal.

The East India Moral and Material Progress and Condition Report during the year 1882-83 is a remarkably valuable work. It recapitulates the history, from the earliest day, of every branch of the subject: it appears intended for the edification, or perhaps the education of the three hundred new members of Parliament, who actually knew nothing about India, and who fell into the old belief, that a zemindar and a jemadar, and Scindia and Sindh are synonyms. Still, at best, it is that dangerous telescopic knowledge obtained by an examination of distant scenes through lenses carefully manipulated for the purpose, and fall far short of that microscopic knowledge only to be obtained by dwelling among the people. The series of maps in the second volume are

wonderful: they have been devised so as to submit to the eye all the salient phenomena of India, both moral and material, from the meteorological map, showing the rainfall, the gift of God, to the railway map, recording the science, industry and enterprise of man. We have done our duty to India at least in this particular, and there is proof that, vast as is the population of the region, the soil is so fertile that it could support a much larger one: infinitely various as are the products of the soil, they could be amplified: vast as the natural wealth of the country is, it could be indefinitely increased. The great Pax Romana of the last quarter of a century has worked out this result.

Another interesting State document is the minute of the Governor of Madras, published in 1884, describing the seven tours which he made in that province in 1882 and 1883, visiting every one of the twenty-two districts, holding conversation with the officials, English and native, giving audience to the municipalities and the notables, and answering the different representatives of the different interests. It is a striking photograph of the state of things, and causes those, who knew India forty years ago, to start at the change in the Benighted Presidency. Its vast sea-board, its canals, railways and great variety of imports, indigenous and introduced, must keep it in the first rank. It is true that the Lieutenant-Governors, and Chief Commissoners of the Northren Provinces, have for many years adopted the practice of such visitations, with the additional advantage of knowing the language of the people. If, as Mr. Grant Duff remarks, a Proprætor, or Proconsul of a Roman Province, such as Cicero in Cilicia, or Pliny in Galatia, or Aulus Gellius in the Suhára had taken the trouble to make such a tour, and had recorded it with that precision, in which Xenophon and Cœcal recorded their military operations, how much more ample would our knowledge be of the tribes, their languages, their customs, their forms of worship, than that which we now possess. If Pontius Pilate had left some record of his general mode of administering justice, and collecting the imperial taxes, of the establishments which he kept up for the propose, of the representations and complaints made to him by the Jews, what a clearer view we should have of his character and of his environment!

Such life-like diaries please and instruct more than the stately and defiant Minutes left behind them by the great Proconsuls Dalhousie and Lawrence. These last rank more with the Ancyrean Tablets, wherein Augustus, in his pompous style, tells future ages how much he had done for Rome, or in other words, at what price the Romans had sold their liberties to the crafty tyrant: such records are emphatically the story of the

man who held the whip, not the story of the dog which had to bear the stripes. In fact, the people went for nothing then in Europe, and till lately, for nothing in Asia. It was no uncommon incident for an English officer to call upon a Raja and have a talk with him, and then report to his Government that he had taken the opinion of the country side. Municipalities had not come into existence, and the idea of an address from planters, merchants, land-owners, and tenants would have seemed ridiculous.

What will it be a quarter of a century later? We may imagine an ingredient of discontent, a spice of malcontents, a suggestion of foreign emissaries sent on purpose to propagate grievances, a French man-of-war in the offing, a Russian agent in the cities, a class of nondescript aliens claiming French protection, an Irish feeling about tenant right, a Bulgarian feeling about a right of independence, a new theory started by the speakers of Telagu and Tamil, that a unity of language constitutes a nationality, the old theory, that a unity of religious notions justifies a struggle for political union; an unprincipled Native Press; a periodical, like the notorious Bosphore published at Pondicherry, and circulating thence over the Peninsula. In all these elements of desturbance we can see the germs of weakness and decay; then will come the cry for federation with the English Empire, or a statutory Parliament, a paper constitution reducing Government to as low a state of degradation as is represented in Rome by the immortal letters S. P. Q. R. "Senatus Populus que Romanus" and the scavenger's carts of the city.

A French writer, Gaidoz, in a late review of the resources of India, remarks that the sentiment which is called patrotism in Europe, is unknown in India. There is neither unity of race, religion, language, nor common interest: they cannot appeal to the same traditions, the same gods, or communicate with each other in the same language. This first fact accounts for the second fact, that the English were able to conquer, and are still able to hold the country. But this state of things is changing: a current of opinion, and a moral organisation is forming, from which elements of antagonism to a foreign Government will as certainly be developed as sparks from tinder. The infusion of Western ideas and English education may some day supply this unity, but that time is not yet. Anything is better than a Government on low principles like that of the Dutch in the Indian Archipelago, which withholds education from the people, stifles the local Press, renders the settlement of Europeans difficult, and treats a great country as a preserve, from which the mother country is to be fattened. No liberal man can object to this expected development: he is the

friend of liberty everywhere, and he must look the future in the face, doing his duty in the present. The Russian Government fosters education in Odessa and Tiflis, and lets the Bible be distributed freely over the empire, employs Natives of the conquered provinces in the highest Civil and Military posts, and must take the consequences of this policy in the next generation. India is held for the good of the people of India, and not to fatten merchants, or planters, and provide salaries for Military and Civil employees. It is worthy of remark that the classes who are educated, and who bluster so much in the Press, and in public Meetings, are totally unwarlike, timid, and incapable of bearing arms. There is not a soldier enlisted from the population of Lower Bengal. Just before the battle of Maharajpur, the Bengali clerks of the Foreign Secretariat petitioned Lord Ellenborough "to be allowed to retire to Agra, until the issues of the battle was known, as they belonged to an unwarlike race." On the other hand the warlike races of Northern India are still totally uneducated. It would be a false kindness to grant liberal institutions to a population not fit for it. A careful study of the Census report will enable judgment to be formed, whether they are fit for it. The kingdom of Greece, and the province of Romelia, or Eastern Bulgaria have occupied much public attention lately: the population of the former, with all its islands, falls short of one-and-three quarter millions, speaking one language, and belonging to one religion: the population of the latter, taken last year (1885) falls short of one million, and the population of Bulgaria proper is only two millions. What a gigantic problem is that of India compared to these petty districts, and in manhood, capacity, wealth, enterprise, education; and every thing that constitutes a state, how superior are the people of India to the debased Bulgarians, and the decaying and unworthy Greeks. If India became the theatre of a struggle betwixt two European nations, or were left to itself after the struggle of a European war, its present civilisation would roll up and perish, the canals and railways would be destroyed, commerce be paralysed, and education cease to exist. The successful founder of new dynasties, whether Hindu or Mahometan, would be something very different from the educated natives of the Presidency College, and the editors of newspapers. This latter class had better reflect, that it is under the English Government, *and the English Government only*, that they would be allowed to exist. A Russian, German, or French administration would snuff them out without a day's delay. Men of stronger calibre would spring up: the year of the mutinies in Northern India supplied a fair idea of what would be the state of the country, if the strong, but gentle and sympathising Central Government, were

withdrawn. And the educated classes should reflect upon this, and limit their aspirations to municipal institutions, provincial councils of finance, provincial legislatures, the right to rise by proved merit to the highest offices of the State, and absolute equality of man with man in every court of justice, police and administration without any disqualification of race, religion or language whatsoever. Albocracy should cease, if the Indian Empire is to be maintained.

ROBERT CUST.

March 25th, 1886.

ART. IX.—LITERARY COINCIDENCES.

Nay, that's certain: they that dally nicely with words
May quickly make them wanton.
(Viola in *Twelfth Night. III.* 1.)

THERE is, perhaps, no feature in modern literature (as distinguished from scientific discovery and speculation) so marked as the difficulty either of originating new lines of thought, or of presenting old thoughts in new and fresh guise. And, in this connexion, the very opulence of the literary materials available to a modern writer offers an appreciable hindrance to original and individual thinking. So much has been said and written on so many subjects, and said and written in such a variety of ways, that, to a conscientious worker, nothing seems remaining to be done, either as to substance, or as to manner, unless it be done in the very highest style and finish of workmanship. To be sure, the increasing deluge of modern books hardly indicates the complete realization of this truth. But any one who sets about authorship in a really earnest spirit must inevitably feel himself confronted with the difficulty to the very verge of despair. Why then, apart from professional book-making, or from book-making of the humblest sort, do books continue to be written? The true explanation seems to be that, even when nothing substantially new has to be said, the combination of ideas, or of ideas with circumstances, is sufficiently new to justify authorship; that these combinations are dressed up in a certain novelty of apparel; and that, taken as a whole, and having regard to the accommodation of style to altered growths in intellectual taste and culture, books presenting such combinations of ideas, circumstances, and novelty of language, are more likely to reach and influence the modern mind, than ancient, or rapidly-growing, ancient works on the same subjects, even though the latter may be fuller of matter, and conceived in a higher and more classical vein. *

* It is interesting to note in this connexion the thoughts suggested to George Eliot as the result of her acute observations of the great monuments of Italian art: the italics are mine: "I am thrown into a state of humiliating passivity by the sight of the great things done in the far past: it seems as if life were not long enough to learn, and as if my own activity were so completely dwarfed by comparison, that I should never have courage for more creation of my own. There is only one thing that has an opposite and stimulating effect: it is the comparative rarity, even here, of great and truthful art, and the abundance of wretched imitation and falsity. *Every hand is wanted in the world that can do a little genuine sincere work.*"—Cross' George Eliot's Life. II. 193.

Thus, if we look at Poetry, and study it in its modern presentations, the truth of these observations will at once become apparent. Take Browning or Tennyson for example: in what respect, one might ask, have they added to the stock of poetical *ideas?* In what respect—as Mill said of Archbishop Whately when comparing him with, and setting him above, Hamilton—are these *fertile thinkers?* The answer to this may not be very satisfactory. Still, is not modern literature the richer and the better for all that Browning and Tennyson have written? It would be difficult to say, indeed, in respect of any thesis which they have handled, that they have originated any absolutely new problem, or that old problems have been discussed by them in words and phrases that are absolutely new. But what they have done is, by fresh combinations of ideas, and by presenting these combinations in a dress acceptable to modern literary tastes, to arrest modern attention in a way that the old thinkers and writers have not altogether, or always, the power now to accomplish.

At the same time, it is curious to note, both how little the rich store of already existing literary materials leaves to be done in the way of a fresh combination or presentation of ideas; and also, how it inevitably suggests coincidences, which are very likely unconscious, but which are none the less traceable, perhaps, to readings and studies that have left impressions lying latent, and only waiting for an appropriate stimulus to call them into full life and activity. Some of these coincidences I propose passing in review here. It may be mentioned, however, that while I have selected such instances only as seemed to me to have a peculiar interest, or to indicate resemblance of form or sentiment more strikingly than others, the necessity of keeping within certain limits may have, perhaps, prevented my noticing some with which readers of this paper may be familiar, or in tracing such resemblances as I have dealt with to their best and highest sources.

No reader of Tennyson can fail to be struck by two leading characteristics in his writings: his wide literary culture, and the noble purity of his language. But the very copiousness of his culture leads to a not unfrequent reproduction of ancient, and often half-forgotten, literary gems: reproduced, however, in a setting of his own, which amply vindicates his title to fine workmanship.

Take these lines, which are tolerably familiar to most readers:—

> "'Tis well; 'tis something: we may stand
> Where he in English *earth* is *laid*,
> And *from his ashes* may be made.
> The *violet* of his native land." (*In Memoriam.* 18.)

Now, compare with this the following :—

"Lay her i' the *earth* :
And *from her fair and unpolluted flesh*
May *violets* spring!" (*Hamlet. V.* I.)

And, again, this :—

"Nunc non e tumulo *fortunataque favilla*
Nascentur violæ?" (Persius. *Sat.* I. 89.)

And compare, passim—

"*from her ashes spring*," &c.
(*Paradise Lost.* III. 334.).

Shakespeare was probably innocent of Persius. But in the scholarly days of the Elizabethan era, some such sentiment, as above set forth, was likely enough to be familiar to English readers of his time, only waiting perhaps for some quickening impulse to give it vitality in a form that will now live for ever.

The following, also from Tennyson, fine as it is, must be read with the context to be fully appreciated :—

"I heard
"The shrill-edged shriek of a mother *divide the shuddering night*."
(*Maud.* I. 4).

The rare form of the image here seems too remarkable not to be traceable, however unconsciously, to this from Milton's description of the angelic host, and how

"their songs
"*Divide the night.*" (*Paradise Lost* IV. 687.).

Take, next, the following from Byron: it occurs in that beautiful and touching passage from the Giaour, with which every schoolboy—not to mention Macaulay's famous sixth-form boy—is familiar :—

"Where *cold Obstruction's* apathy
Appals the gazing mourner's heart," &c. ;

And compare it with this :—

"To lie in *cold obstruction* and to rot," &c.
(*Measure for Measure. III.* 1.).

Here is another :—

"I see their *glorious black eyes* shine."
(Byron : *Isles of Greece : Don Juan.* III.).

"The sun looked on the world with *glorious eye*"—
(Shakespeare. *Passionate Pilgrim.* VI.)

Surely, in both these cases, the rare form of expression indicates a resemblance that is not purely accidental, though doubtless it was perfectly unconscious on the part of the later poet.

Take, again, these lines, which are a sort of pet quotation from Tennyson :—

"*Tis better* to have *loved and lost*
Than never to have loved at all."
(*In Memoriam.* 27 : 85) ;

and compare with them the following :—

"But say what you will, *'tis better* to be *left than never to have been loved.*"

(Congreve. *Way of the World. II.* 1.)

Sometimes a phrase is curiously reproduced, with a variation : as in "immortal love" (Herbert. *Love*) ; "immortal hate," (*Paradise Lost.* I. 107) ; and "immortal love" (*In Memoriam.* 1) ; or as in the following—

"The air hath starved *the roses in her cheeks.*"
(*Two Gentlemen of Verona. IV.* 4.)

"The lightning laughters dimple
The baby-roses in her cheeks."
(Tennyson. *Lilian.*)

There is a fine expression in these lines :—

"When on my bed the moonlight falls,
* * * * * * *
There comes *a glory* on the walls."
(*In Memoriam.* 67.)

One would hardly expect to find a suggestion in this connexion in that most charming of books, Pepys's Diary : but here is something like it from the passage describing the state of London on the stirring night when the triumph of the City against the Rump had begun to be an appreciable fact :—

"Here, out of the window, it was a most pleasant sight to see the City from one end to the other *with a glory about* it, so high was the light of the bonfires, and so thick round the City, and the bells rang every where."

Again, compare—

"*Crowned with roses*" (Tennyson—*The Golden Supper*);

with the hacknied—

"*multa in rosa*" (Horace. *Odes.* I 5.)

and

"ἐν στε φάνοις εἶναι"

from Euripides, cited by Anthon.

Is there not, too, a coincidence, at once curious and pleasing, in the appropriation by Milton to Shakespeare, of words used by the latter in a poetical connexion ?

"The *child of fancy*," &c. (*Love's Labour's Lost. I.* 1.).
"Sweetest Shakespeare, *Fancy's child.*" (*L'Allegro.*)

There is again a marked identity of sentiment and of expression in the following :—

"And 'ave. ave, ave,' said
"Adieu, adieu, for evermore."
(*In Memoriam.* 57.).
"Atque *in perpetuum*, frater, *ave atque vale.*"
(Catullus. *Car.* 101. 10.).

Coincidences, such as we are dealing with, must not, it need hardly be pointed out, be confounded with expressions used allusively, with a conscious knowledge of their source, and a

confidence in the reader's sympathetic knowledge in that connexion: as where the line—

"Make *my heart as a millstone.*" (*Maud.* I. viii).

is an obvious reference to the passage from Job:—

"*Heart* * * * as hard as a piece of the *nether millstone.*" (Chap. XLI. v. 24.).

So:—

"But *the tongue is a fire* as you know, my dear, the tongue is a fire." (Tennyson. *The Grandmother*),

is a mere reproduction of this from the Epistle of St. James':—

"*The tongue is a fire.*" (Chap. III. v. 6.).

An interesting identity of sentiment may be traced also in the passages that follow: the lines from Hamlet are from the famous soliloquy:—

"Before I go *whence I shall not return.* (*Job* X. 21).
"I shall go the way *whence I shall not return.* (*Job* XVI. 22.)
"The undiscovered country *from whose bourn*
No traveller returns." (*Hamlet. III.* 1.)

And, again, here:—

"To be, or not to be: that is the question," &c. (*Hamlet. III.* 1.)

"To be no more: sad cure! for who would lose
Though full of pain, this intellectual being,
Those thoughts that wander through eternity
To perish rather, swallowed up and lost
In the wide womb of uncreated night,
Devoid of sense and motion?"
(From Satan's speech: *Paradise Lost.* II. 146.)

Who shall say, however, that the later passage yields to the earlier one, either in sublimity of thought or in majesty of language?

In the lines that follow, the coincidence is one of alliteration, sufficiently striking, however, to deserve a passing notice:—

"A conqueror, and afeard to speak!"
(*Love's Labour's Lost. V.* 2.)
"A fireman, and afraid of bumps!"
(*Rejected Addresses.* From the well-known parody of Marmion.)

Similarly in these—

"Possessing and possessed." (Pope. *Eloisa and Abelard.*)
"Caressing and carest." (Byron. *Bride of Abydos.* VI.)

Compare, again, the passage familiar to every schoolboy:—

"Illi robur et *æs triplex*
Circa pectus erat," &c. (Horace. *Odes.* I. 3)

with this from Milton—

"Arm the obdured breast
With stubborn patience as *with triple steel.* (*Paradise Lost.* II. 569);

and this from Scott—

"That iron grasp thy frame might feel
Through bars of brass and *triple steel.*"
(*Lady of the Lake.* The *Combat* Scene.)

The following fine lines from Milton have been always admired :—

"the mind is its own place, and in itself
Can make a heaven of hell, a hell of heaven."
(*Paradise Lost.* I. 253.)

Are they a lingering echo, one cannot help wondering, however,—though unquestionably a very fine, resounding echo,—of this ?

"Oh, then, what graces in my love do dwell,
That *he hath turned a heaven into a hell!*"
(*Midsummer Night's Dream. I.* 1.)

In the second of the next two lines, the plagiarism seems almost audacious :—

"*Slubber* not *business for my sake*, Bassanio."
(*Merchant of Venice. II.* 8.)
"*Slubber* o'er your *business for my sake.*"
(Dryden. *Translation from Ovid.*)

This description of Satan's standard—

"which, full high advanced,
Shone like a *meteor streaming to the wind*;"
(*Paradise Lost.* I. 537);

was probably the forerunner of the line in Pope—

"From op'ning skies may *streaming glories shine*,"
(*Eloisa to Abelard*);

and of this from Gray :—

"his beard and hoary hair
Stream'd, like a meteor, to the troubled air." (*Bard.*)

So, again : Herbert's

"strange delights." (*Holy Scriptures*);

Pope's

"dear deceits" (*Eloisa to Abelard*);

and Tennyson's

"delicious spites and darling angers" (*Madeline*);

seem linked together by a marked family likeness.

A similar family likeness seems to characterize the specimens that follow next :—

"I was a *stricken deer*, that left the herd
Long since." (Cowper. *The Garden.*)
"Come, rest in this bosom, my own *stricken deer.*"
(Moore. *Irish Melodies.*)

So also in the following :—

"*Love* is and was my *Lord* and King."
(*In Memoriam*, 126.)

"It was in the *golden prime*
Of good Haroun Alraschid."
(Tennyson. *Recollections of Arabian Nights.*)
"When the world was in its *golden prime*,
And *Love* was *lord below.*"
(Gerald Massey. *That Merry, Merry May.*)

The mention of spring in Gerald Massey's tender little poem—

"Every vein of Earth was dancing
With the Spring's new wine!
'Twas the pleasant time of flowers.
When I met you, love of mine!" (*That Merry, &c.*)—

is strikingly suggestive of the charming song in "*As you like it*:—

"How that a life was but a flower
In spring time," &c.
.
"For love is crowned with *the prime*
In spring time," &c. (V. 3.)

In another, and a peculiarly graceful little poem of the former author's, the following lines occur:—

From out a *balmy bosom*
Our bud of beauty grew." (*Our Wee White Rose.*)

One cannot help being reminded, in this connexion, of Tennyson's exquisite song in the *Miller's Daughter*:—

"And I would be the necklace,
And all day long to fall and rise
Upon her *balmy bosom*,
With her laughter or her sighs," &c.

Compare, again, the following, each perfect in its way,—perfect like a jewel in its own setting,—and yet with a literal resemblance that is nothing less than remarkable:—

"the high lawns appear'd
Under the opening *eyelids of the morn.*" (Milton. *Lycidas.*)
"Ray-fringed *eyelids of the morn*
Roof not a glance so keen as thine." (Tennyson. *To——*)
"His eyes are like the *eyelids of the morning* (*Job.* XLI, 18.)

Or next, take these—

"Before the wheels of Phœbus, round about
Dapples the drowsy east with spots of *grey.*"
(*Much Ado about Nothing. V.* 3.)
"The *grey eyed morn* smiles on the frowning night."
(*Romeo and Juliet II.* 3.)
—"the *dappled* dawn doth rise." (*L'Allegro.*)
"Till cold winds woke the *gray-eyed morn.*"
(Tennyson. *Mariana.*)

In the lines that follow, though there is a slight difference of language, the same ideas were obviously present in the minds of both poets:—

"Here in her hairs
The painter plays the spider and hath woven

—*A golden mesh* to *entrap* the *hearts* of men."
(Bassanio in the *Merchant of Venice*, on discovering Portia's picture. *III.* 2.)

"Thou
All my bounding heart entanglest
In a *golden-netted* smile." (Tennyson. *Madeline.*)

The unconscious reproduction of an idea, or the independent origination in two or more minds of one and the same idea, may be illustrated further by a comparison of the following :—

(1.) "*Correctly cold*, and regularly low." (Pope. *Essay on Criticism.* III.)
"Faultily faultless, *icily regular*, splendidly null," &c.
(*Maud.* II.)

(2.) "For now sits Expectation in the air." (*King Henry* V. *II.* 1.)
"and Expectation held
His look suspense," &c. (*Paradise Lost.* II. 417.)

(3.) "I would fill the sea-halls with a *voice of power*."
(Tennyson. *The Merman.*)
"Then, dropping his mouth to a hole in the reed,
He blew in power by the river."
(E. B. Browning. *A Musical Instrument.*)

(4.) "Some spirit of a crimson rose
.
wasting odorous sighs
All night long on darkness blind," &c.
(Tennyson. *Adeline*).
"Full many a flower is born to blush unseen
And waste its sweetness on the desert air."
(Gray. *Elegy*).

In the next series, the identity of sentiment is still more pronounced :

(1.) "While *melting music* steals upon the sky."
(Pope. *Rape of the Lock.* II.)
"The *melting voice* through mazes running."
(*L'Allegro.*)

(2.) "The *frolic wind* that *breathes* the spring." (*L'Allegro.*)
"the *wind* who *woocs*
Even now the frozen bosom of the north."
(*Romeo and Juliet. I.* 4.)
"While the *amorous*, odorous *wind*
Breathes low between the sunset and the moon."
(Tennyson. *Eleänore.*)
"The *wanton summer air*." (*Romeo and Juliet. II.* 6.)

(3.) "*Dew of sleep.*" (*Paradise Lost.* IV. 604.)
"Dewy sleep." (*Ditto* IX. 1044.)
"Entice the *dewy feathered sleep.*" (*Il Penseroso.*)
"*Sleep's dewy* hand." (Young. *Night Thoughts.* IX.)

(4.) "As *balmy sleep* had charmed my cares to rest."
(Pope. *Temple of Fame.*)
"Tired Nature's sweet restorer, *balmy sleep.*"
(Young. *Night Thoughts.* I.)

Here the plagiarism is apparent :—

"*Justify the ways of God to man.*"
(*Paradise Lost.* I. 26.)
"*Vindicate the ways of God to man.*"
(Pope. *Essay on Man.* I.)

And in this :—

"at whose sight all *the stars*
"*Hide their diminished heads.*' (*Paradise Lost.* IV. 34.)
"Ye little *stars! hide your diminished rays.*"
(Pope. *Moral Essays.* III.)

One or two further instances must suffice of the curious way in which similar, or nearly similar, ideas occur to different minds separated from each other by large intervals of time :—

(1.) "Behold the *window* of my *heart*, mine eye."
(*Love's Labour's Lost. V.* 2.)
"And through a *lattice* on the *soul*
Looks thy fair face." &c. (*In Memoriam.* 70.)

(2.) "To *sport* with Amaryllis in the shade
Or with the *tangles* of Neæra's *hair*"
(Milton. *Lycidas.*)
"One hand on Julia's carelessly was thrown,
Quite by mistake—she thought it was her own :
Unconsciously she lean'd upon the other,
Which *played within the tangles of her hair*
(*Don Juan.* I. 110.)
"When I lie *tangled in her hair.*"
(Lovelace. *Althea.*)

Does not this, from the song already referred to from Tennyson, in the *Miller's Daughter*,—

"I would be the jewel
That trembles in her ear," &c.

remind one suggestively of the following from *Romeo and Juliet* :—

"O, that I were a glove upon that hand,
That I might touch that cheek!" (*II.* 2.)

It is time, however, to bring this paper to a conclusion. I shall content myself, therefore, with the instances given below :—

(1.) "morning *roses* newly *washed with dew.*"
(*Taming of the Shrew. II.* 1)
"—fresh-blown *roses washed in dew.*" (*L'Allegro.*)

(2.) "Stony limits cannot hold love out."
(*Romeo and Juliet. II.* 2.)
"Stone walls do not a prison make,
Nor iron barres a cage."
(Lovelace. *Althea.*)

(3). "How *angerly* I taught my *brow* to *frown.*"
(*Two Gentlemen of Verona.* I. 2.)
"Again thou blushest *angerly;*
And o'er black *brows* drops down
A sudden curvéd *frown.*"
(Tennyson. *Madeline.*)

The foregoing extracts happen, I think, to be peculiarily illustrative of the sort of coincidences which I have been discussing: both idea and phraseology being so identical in different writers, as to prove conclusively the difficulties under which a modern poet, thoroughly penetrated with the labours of his predecessors, sits down to the elaboration of a new style or of a new line of thought within the range of his own literary activities. It is scarcely necessary to add, with reference to the familiar lines taken from Lovelace,—so familiar that they have become a household phrase, while the name of the writer is probably unknown to the general reader,—that he is a far later writer than the great poet, whose lines may, perhaps, have dimly suggested to him the idea which his own verse has so inimitably embodied.

R. SPENCER.

GEORGIS: A CRETAN BALLAD.

(Translated from the German of Chamisso.)

1

Georgis, Chief Georgis! hast oft thy red right hand
Imbrued in Turkish tyrant's blood, let one more feel thy brand:
Alas! who now can bring thee news from native Creta's coast?
Thou liest bound with slavish bonds amidst the hostile host.

2

Ariph the Turk hath made a feast in Creta's level land;
He sends to all the Rajahs round this writing in his hand;
Now bring ye here your daughters dear, to grace my feast withal
To sing to me, and dance for me, within my lordly hall.

3

And unto Georgis' father his strait command hath gone
That of the dancing girls to-night thy daughter shall be one;
She came; and when the other maids unto their homes had sped
The Turk hath Georgis' sister seized, and borne her to his bed.

4

The maiden, lithe and active to wild despair a prey,
Hath wrestled with the ravisher, and wrenched herself away:
O'er brake and briar, through mud and mire, her flying feet have hied,
Till she reached her father's homestead, on the lonely mountain side.

5

Next morn unto her father's house the Turk his steps addressed;
The old man on the threshold bows before the unwelcome guest:
And Ariph bids him forth to field, his monthly tithes to bring,
While he will wait within the gate, and bide his in-coming.

6

Now through the vacant house he hastes, the maiden's room to win;
With pistols braced around his waist, he seizes her therein:
With man-like strength she grapples him, she struggles all she can;
He lies unweaponed at her feet, a craven caitiff man.

7

Then by his Holy Prophet a sacred oath he swore,
That never would he vex her more, his arms would she restore:
She hears his oath, she trusts his truth, his arms she doth bestow
Again on him, and bids him rise, and goes with him below.

8

But he, irate with lust and hate, inured to deeds of blood,
Now glares upon her wolfishly as by his side she stood:
His cruel steel hilt-deep he plunged into her bosom fair,
All blanched and bleeding, at his feet, she sinketh lifeless there.

9

The old man hath the tithing brought, he now is homeward bound;
He sees the loved and lovely corpse upon the blood-stained ground:
"Georgis," he cries, "my son, my son! hast oft thy strong right hand
"Imbrued in Turkish tyrant's blood, of one more rid the land!"

10

And Ariph hears the clamour, his carbine lies apart;
He seizes it, and sends a ball straight to the old man's heart:
The father and the daughter are lying there undone;
To pity them, or weep o'er them, is friend or kinsman none.

11

Georgiis, brave Georgis! hast oft thy red right hand
Imbrued in Turkish tyrant's blood, of one more rid the land!
Alas! who now can bring thee news from native Creta's coast?
Thou liest bound with slavish bonds amidst the Turkish host.

12

The sea-mews bring the captive news from Crete beyond the main,
He hears the sea-mews, struggles he, and bursts his slavish chain:
One patriot brought him weapons; another passage found;
And night and day he hastes away, and stands on Cretan ground.

13

What sees he there, to his despair? A newly-shovelled grave;
Within, his sister's corpse, and his, who life unto him gave;
With heedful art, from out his heart, he cuts the fatal ball,
And his own deadly rifle-gun he loads with it withal.

14

Soon is the word by Ariph heard "Thy foe again is here:"
He sends this message: "That thou now before me straight appear
"To seek me here thyself drawn ear; I mourn my ruined home;
I stir not forth from this my hearth, nor will to Ariph come."

15

When Ariph heard this scornful word, in fury forth he broke;
He called his Turks around him, and thus to them he spoke:
"Let ten men, weaponed, follow me! this day the deed is done;
"To join the father and the girl will I despatch the son."

16

And now before the farm house door, the Turkish sabres shine,
The Chief sat at the table, and drank the purple wine:
He seizes quick his trusty gun; "Now let my good right hand
"That oft has Turkish tyrants slain, of one more rid the land."

17

He spoke, and sent the bullet, which from his father's heart
He took, back to its owner, from whom it first did part:
Full straight and true that bullet flew, and Ariph on the floor
Falls weltering and wallowing in his black heart's gurgling gore.

18

Georgis, Chief Georgis! well hath thy red right hand,
That oft the blood of Turks has shed, of Ariph rid the land:
And ever more on Creta's shore, the ruby wine shall flow
To him who bore the Cross before, and laid the Crescent low.

F. H. T.

KING SOLOMON'S HORSES.

When the horses, standing on three feet and touching the ground with the edge of the fourth foot, swift in the course, were set in parade before him, King Solomon in the evening said:—"Verily, I have loved the love of earthly good above the remembrance of my Lord; and I have spent the time in viewing these horses till the sun is hidden by the veil of night. Bring the horses back unto me." And when they were brought back, he began to cut off their legs and their necks.—Al Korân.

The black Egyptian coursers of the sands,
Grey stallions from the North, the beasts I love,
Red-nostrilled, river-maned, I slew them all
As a child smites in anger. Oh! wise King!
And foolish past the folly of all fools.

Not anger wholly. Hiram at the gate
Reined in his chariot crying:—"Let them go;"
And I, because I knew the minds of men,
Who cannot rule my own, bade strike afresh,
Assured the fame of such a sacrifice
Would spread to Tyre and the isles beyond.
My honour and not God's I sought herein—
My honour and men's wonder. Who but I
Dare slay a thousand horses of the best,
As Hiram slays his score of starveling goats
To Ashtaroth?

What sin was theirs who lie
Gaunt carcasses beneath the moonlight—speed,
Strength, and the glorious beauty of their kind?
The thunder of the storm was in their feet;
The lightning of the storm was in their eyes;
The power of ten thousand men was theirs;
And one old man, chafed at his own neglect,
Has taken strength and beauty, speed and power.
Yea, they fought well. My reeking spearmen ran
Thrice from their furious onset, when we penned
The flying hundreds in the Palace Porch,
And I had slain the fairest steed of all—
The great grey stallion with the iron mane.
I chose him for my chariot ere the dusk
Fell and my wisdom left me. Mild was he;
Kingly as I have been. He bowed his neck
To the sharp point and stumbled at my feet,
Still kingly, pleading with great liquid eyes,
And died in silence.

Then I saw my sin
But dared not stay the slaughter. Hiram's eye
Alight with wonder at the gate forbade;
And some old lust of bloodshed spurred me on.
Wherefore I loosed my spearmen, till the Porch
Filled with the tumult of the flying steeds,
The screams of men and horses, kicks and blows;
The sharp, quick bubble of the stabbing-spears;
Fall of great hoofs that plashed in pools of blood
And the low gurgle of the dying. Last,
Out of the press, a red horse reared himself
Black with the sweat of horror, white with foam.
[Accursed be my knowledge of brute speech!]
Crying:—"What sin is ours that we die
My brother?" Then I would have stayed the spears,
But that none heard me till the last was slain;
And I was left alone among the dead—
The raw, sick smell of blood upon the air—
And Hiram's voice across the silent court,
Crying:—"All honour to King Solomon!"

All honour to the wisdom of the King!
Wrath and mad lust for honour—honour these!
Small profit unto God the sacrifice;
And to myself the gain of my own scorn.

All honour to the wisdom of the King!
The grey was beautiful above his kind,
And Hiram's fleet has sailed, nor brings again
Another steed as fair . . . Oh! most wise King!

RUDYARD KIPLING.

THE QUARTER.

THE grand political event of the quarter was the introduction by Mr. Gladstone of the Home Rule Bill in the House of Commons with all its momentous consequences, immediate and prospective. During the quarter under review all eyes were turned on Westminster, just as during preceding, quarters, all eyes were turned on Khartoom, Panjdeh and Mandalay. Among other events of less moment, or at least of general public interest to the English people, were the relations between Greece and Turkey ; the progress, not altogether satisfactory, of the Dacoity Campaign in Burmah ; the opening of the Indo-Colonial Exhibition ; the great and increasing public interest in the great Silver Problem all over the world ; the steady progress of the Frontier Delimitation Commisssion ; the Lhassa Expedition ; the energetic proceedings of the Indian Finance Committee, and the death of Genera Hughes.

On the second reading of the Home Rule Bill, the Government was beaten, by what must be considered under the circumstances, a very sufficient and respectable majority. The Parliamentary combination against the measure was too strong, even for Mr. Gladstone. There was this notable and obvious peculiarity about the final stages of this memorable Parliamentary struggle. It was not, strictly speaking, a party conflict at all. During the last six or seven years there has come into existence, in connexion with English political life, a new and distinctive element, namely, the Gladstonian element. Of course, Mr. Gladstone has always had followers and admirers among all sections of the Liberal party : men like Lord Hartington and Mr. Bright ; but then they were only devoted Gladstonians because they were devoted Liberals, and because they believed that Mr. Gladstone represented, with unequalled authority and unequalled ability, the cardinal doctrines of English Liberalism. But this delusion has been finally dissipated at last. The Gladstonian pure and simple, concerns himself about none of these things. Whatever Mr. Gladstone says is law ; whatever Mr. Gladstone does is right, and it was Gladstonians, not Liberals or Radicals, who rallied to their leader on the second reading of the Home Rule Bill. It was a contest between Gladstonians and the Parnelites on the one hand—the Gladstonians who represent no political principle except belief in Gladstone—and the Parnelites who represent

no political principle at all—against what is left in English political life of the intellect, conscience, and foresight of the country. Mr. Gladstone will appeal from the House of Commons to the country, and if he is beaten at the elections, "he falls like Lucifer, never to rise again." But will he fail? Who can tell? The political future is dark and uncertain, beyond all precedent, and nothing is certain but the fact, that there are new forces at work in connexion with English domestic politics, the existence of which we cannot doubt, but the actual character and tendencies of which, no man can measure or foresee. The extension of the country franchise reached a political strata which was, as it were, unknown to political science, but one generalization may be hazarded. No English Radical or Democrat has had, as yet, the courage to avow that the Imperial interests of England—the interests and responsibilities she has inherited from her long established position as a first-class European power—are in reality either a matter of indifference and aversion to him. Mr. Bright has never made any such avowal; neither has Mr. Chamberlain. But both Mr. Bright and Mr. Chamberlain are Conservatives, as compared with a new school of Radicals who are every day becoming more numerous, more daring—more organised, and more influential, in the great centres of radical thought. Mr. Labouchere is at present the representative type of this new school of radicalism. These men do not believe in the Imperial interests of England. The words Imperialism, Federation, Union, even Patriotism—when by patriotism is meant a concern for our national honor abroad,—are simply hateful to them. Will that party have sufficient influence to turn the scale at the elections? We sincerely hope they won't, but our hopes and expectations don't go hand-in-hand. It goes without saying that the prevalence, much less the ascendency, of this spirit in English politics is fraught with the gravest perils to the future of the Empire. There are in England only too many unreasoning admirers of America and American institutions, but the most ardent and unthinking of them all, would scarcely go so far as to contend that English and American policy in relation to foreign responsibilities, could ever be brought to move parallel lines—We are the heirs of our own past and of all which that past has bequeathed to us in the present and future, but this is precisely what politicians of Mr. Labouchere's way of thinking won't admit.

As we anticipated the Public Works Department has come in for a lion's share of attention from the Finance Committee. This is as it should be. So far the Committee has gone to

work in a manner which is, to a great extent, original in connexion with the history of Committees, and which is likely to prove very effective. The Army Committee finished its inquiry (a very thorough one by the way) and made its report and recommendations, and both report and recommendations were promptly shelved, and we heard no more about them. The Education Committee finished its inquiry and made its report and recommendations, and those recommendations have only been very partially adopted up to date. Now, Mr. Elliott is not the man to be satisfied with this sort of treatment. The Finance Committee, under his direction, has become, to a certain extent, an executive as well as a reporting body, and the reductions and changes which have recommended themselves to the Committee, are being, as it were, forced on the heads of Departments, while the Committee is engaged in the process of overhauling public expenditure in every branch of public administration. Not only are reductions "recommended" to Departmental chiefs, but the specific manner in which they ought to be carried out, is pointed out, and sometimes insisted on. There is one question in connexion with this matter, the reduction of expenditure—which the Committee ought to grapple with. It is this. Are Anglo-Indian officials, as a rule, paid too highly for the work they do, or the reverse? Are they, *as a class*, well-to-do men, or are they as a class poor men in all that constitutes the essential elements of wealth,—an income more than sufficient for their personal needs, saved money, and the prospect when they retire of being able to live in affluence at home. Now, according to Wilfred Blunt, they are, as a class, very rich men, indeed. Even Station Masters have splendid conveyances, and subordinate officials dine nearly always on turkey and ham, and like their champaign dry. This is one impression about Anglo-Indian officials which is very popular at home, but the sooner that impression is dissipated the better. It is a matter of fact—it should be, I think, a matter of general public notoriety as well—that Anglo-Indian officials are now, as a class, a very poor class indeed, and that nine men out of ten in this country find it very difficult to make both ends meet. It is, perhaps, for its number, the most indebted community in the whole world. Have you seen the "Great Lone Land," said a friend to Mr. H. G. Keene? "Yes," replied the *wit*; "*I have lived in India: it is the greatest Loan Land I have ever seen.*" The reason for all this is surely not far to seek. I am speaking, not of what I think or conjecture, but of what I *know* when I say, that the expensiveness of living in India has more than doubled in the last twenty years. Add to this a frightfully depreciated exchange, income tax, and the awful increase in the expense of maintaining and educating children in

England, and you have the easily-found cause of that most undoubted effect, an impoverished, indebted, and profoundly discontented European community. In relation to that community, Mr. Elliott occupies a position very analogous to that politest of French cooks, who summoned all the feathered inhabitants of the farm yard to a grand consultation as to how they would like to be cooked, because their tastes and wishes on that head would be most carefully respected. Whereupon there arose from all the turkeys and cocks, and geese, and hens, a most dismal wail of lamentation, each one crying out with a loud voice "We don't want to be cooked at all"! "My friend," replied the cook, "*you are wandering from the point.*" And so it is with the poor officials, already hard up enough, when they ask not to be included in the threatened reductions, and ruined outright :—*They are wandering from the point.* Mr. Elliott in his eagerness for financial reform is zealous to the point of ferocity, but he is, we are convinced, far too clear-sighted and experienced an administrator to confound mere reduction of expense with real reform. Could the aggregate sum of official work performed in India be conracted for at a far less outlay of public money? Of course it could, but would that be a gain or a loss to the State? It would be a gain of so much money, and a loss of that which is, beyond all calculation,—more important than money to a true statesman,—the efficiency, purity, loyalty, and contentment of the public services of this great empire. Oh, but then the gain is tangible, immediate, substantial—it can be set forth with that pleasing symmetery of official arrangement which is so dear to the mere ledger keepers and statisticians of public administration, and the loss is not susceptible of being estimated in this way, and need not, therefore, be taken into any practical account. Mr. Elliott has a great opportunity of proving himself something more than a mere official auditor of public accounts. The question of a wholesale reduction of public expenditure cannot be long separated from the future constitution of the public services.

The Indo-Colonial Exhibition was formally opened to the public during the quarter under review. Her Majesty, the Queen Empress, presided at the opening ceremony, which was favored by "Queen's weather," and passed off with the greatest possible splendour and *eclat.* India may well be proud of the magnificent collection in the Indian Section of the Exhibition, and, judging from the descriptions and criticisms in the English newspapers, it may be considered that the Indian collection has been, as it were, a revelation to the English public as regards the artistic and industrial resources of this country. It is a great

pity that, owing to a most unfortunate accident, Mr. Alexander Scott's magnificent landscapes of Himalyan scenery were late for the opening of the Exhibition.

The strained relations between Greece and Turkey continued during the quarter under review, and at one time culminated in a actual outbreak of hostilities between the troops on the frontier. There is something in the latest phases of the Greek difficulty profoundly perplexing and unsatisfactory when viewed from the stand-point of English diplomacy in the East of Europe. England cannot be indifferent to the cause of Greece so far as an English national sentiment is concerned ; but on the other hand, England cannot be insensible to the extreme danger which would be involved in allowing Greece to make waste paper of the provisions of the Berlin Congress. Where are the fruits of the Crimean war, purchased at such a fearful cost of English blood and treasure? They have disappeared, and not a vestige remains. If Greece and Turkey are involved in war, it is certain that Russia will sooner or later be mixed up in the quarrel, and that she will have an excellent opportunity of re-opening the Eastern question. Hence it is that we have to join the other Powers in coercing Greece, although the Greeks are contending for everything which England holds dear,—liberty, independence, the emancipation of their kindred people from a rule alien to them in race and religion. At every point the lines of European diplomacy continue to cross each other with new complications at every layer, and in endless and bewildering variety.

During the quarter under review the dacoity campaign in Burmah assumed somewhat serious dimensions, and provoked, from the noble army of grumblers, the usual amount of criticism and censure of Government measures and Government calculations ; but in the justice of this criticism we can by no means concur. Mr. Crosthwaite, in an able and temperate letter to the English *Times*, pointed out the various causes which combined to make the pacification of Burma a work of peculiar difficulty to the civil and military authorities of the country. Burmah is not like India. It has no class corresponding to the Indian landlords and feudal territorial princes, and no system corresponding to the Indian zemindari system. There are no great zemindars in Burmah who can, as in India, be held as hostages for the tranquility of their districts, and whose personal interests are inseparably bound up with that tranquility. The Burmese villagers saw a noble opportunity for plunder and petty raids—in the unsettled state of our newly acquired kingdom—and they availed themselves of

it ; and so, in the Indian Mutiny, did the corresponding class in India. According to Thornhill, the warfare against the English was only a part of a vast and complicated system of internecine war which followed the outbreak in 1857. Village raided against village : zemindar rose against zemindar. The whole country, far away from the scenes of the English battle-fields of the campaign, became a scene of "ravage and riot." The history of that extraordinary warfare has never been written —it has only been indicated by the historians of the Mutiny ; but there can be no doubt that it took place, and that it was carried on with relentless vigor, and was the cause of misery and ruin to thousands who never saw an English soldier or a sepoy from one end of the campaign to the other.

The less important events of the quarter—Indian and English—may be summarized as follows :—

The return, or attempted return, of the Maharajah Duleep Sing to his native country may, with propriety, be classed among the Indian events of the last quarter. The Maharajah got as far as Aden, and from thence issued a manifesto to his fellow countrymen in the Punjab, so incredibly silly and inflated, that most people believed the manifesto to be a hoax. So the English Government took the hint, the Maharajah was stopped at Aden, and he has since returned to England. The truth is that the Maharajah had outrun the constable to some extent in England ; and his attempt to return to India is believed to have been dicated by a desire to "put the screw" on the English Government in the direction of inducing them to come forward and pay his debts. Well, perhaps, from his point of view, the Maharajah was right. He should be allowed enough to keep him in comfort at home. We have had, by this time, quite enough out of his country to enable us to do that, and still show a very large balance to our credit.

The Silver Agitation has been continued with great vigor during the quarter under review, and the bi-metallists appear to be gaining ground in a very decided and satisfactory manner indeed. Sir Auckland Colvin is a "tower of strength" to the advocates of a fixed standard, "which they, the adverse faction, want," because he represents the deliberate and carefully considered views of the Government of India in relation to this important question, and it is evident from the tenor of Lord Randolph's address at Manchester, that the leading financiers at home are beginning to waver in their adherence to the present system of silver currency in India. During the quarter under review, Mr. Guilford Molesworth delivered

an important address on the subject at Simla; Mr. Barbour has published a pamphlet containing a masterly and exhaustive refutation of the arguments which have been advanced against the double standard theory, on the score of its being impracticable—and, as we have said, Sir Auckland Colvin came forward with a short decisive declaration of his views on the subject, to the general effect that "Something must be done, something must be done"!

The object of the Lhassa Mission is to establish, if possible, a trade route between Tibet and India; a route protected by treaties between England on the one hand, and China and Tibet on the other. Some time must elapse before anything definite, respecting the success or failure of the mission, is known in India, but the latest intelligence from Tibet was decidedly favorable, and argued well for the success of Mr. Maccaulay's spirited undertaking.

Mr. Miller, the agent to the Maharajah of Burdwan, died very suddenly during the quarter under review. Mr. Miller's administration of the Burdwan Raj had lately been made the subject of a most cruel series of calumnies and misrepresentations in the columns of the Calcutta *Statesman*, and Mr. Miller had instituted proceedings against the newspaper to vindicate his character. Mr. Miller is dead; the law suit, we suppose, cannot come off, and Mr. Robert Knight, after the Manager's death, came forward in the *Statesman* with a wholesale retractation of the charges preferred against Mr. Miller, and an apology for having made them. This retractation and apology, delayed by Mr. Knight to a fitting opportunity, came too late to be any satisfaction or benefit to the unfortunate man who had been the victim of such cruel and unmerited aspersions.

But better late than never; and it is certainly to Mr. Knight's credit that he should (when he was unable to make any reparation to the living) have come forward, with commendable promptitude, to render justice to the memory of the voiceless and defenceless dead.

There appears in this issue of the *Calcutta Review* an article by Mr. Robert Cust, which possesses a two-fold interest for ourselves. In the first place, it deals with a most important subject—the true significance of Census statistics—in a most able and suggestive manner. In the second place it happens as Mr. Cust reminds us himself, to be the fortieth annual contribution to this publication from the same writer. Many years have elapsed since this eminent civilian retired from India after an exceptionally long and distinguished service. Since then he has

not been idle. He has long and ably discharged the duties of Secretary to the Royal Asiatic Society of England, and he is a prominent and active member of the British and Foreign Bible Society. But apart from this, his writings, travels, explorations, and active exertions in connexion with the most varied forms of practical benevolence, have earned for him an honorable place among the savants and philanthrophists of our time; and surely the best wish that any Anglo-Indian, now residing in this country, can wish for himself is, that when he retires from India, he may retain, when he reaches the ripe old age to which our author has now attained, the freshness of feeling, vigour of understanding, and keen universal sympathy with all forms of progress, and civilization, and philanthrophy, which have marked the life and labours of Robert Cust.

GEO. A. STACK.

24th June 1886.

SUMMARY OF ANNUAL REPORTS.

Report on Municipal Taxation and Expenditure, Lower Provinces, Bengal, 1884-85.

PRINCIPAL STATISTICS :—

Vital Statistics.—The vital statistics of the town have been drawn up for the calendar year 1884, instead of for the official year 1884-85. This change was recommended by the Army Sanitary Commission, so that the health statistics of Calcutta may easily be comparable with the sanitary records of other towns and countries of the civilized world. The number of births registered was 8,290 as compared with 7,434 in 1883, and 6,985 the mean of the preceding decade. The ratio of registered births per 1,000 of population was 19·1 as compared with 17·1 in 1883. The average birth-rate in England is 34·4 per mille. The registration of births was comparatively satisfactory, and showed results better than those of any year of which there is record, though it is apprehended that birth registration in Calcutta is still imperfect. Among the various races, the recorded birth-rates per mille were—

			1884.	1883.
Non Asiatics	...	...	13·2	13·1
Mixed races	...	...	49·6	48·5
Hindoos	...	...	20·2	18·9
Mahomedans	...	...	15·9	13·6
Other classes	...	...	4·2	6·6

The number of deaths recorded during 1884 was 13,256, as compared with 12,325 in 1883, giving a death-rate of 30·5 per mille against 28·4. The year 1884 was exceptionally unhealthy in two respects: there was a severe outbreak of cholera in the months of March, April and May, causing 1,616 deaths, against a mean figure for the same months for the previous 14 years of 605. Small-pox also prevailed to an unusual extent, causing 478 deaths against 73 in 1883 and 17 in 1882.

Public Instruction, North-West Provinces and Oudh, 1885.

PRINCIPAL STATISTICS :—

University teaching in Arts was carried on during the year at ten institutions, five being colleges proper, and five high schools containing also classes for the University examinations. The examinations for the M. A. degree were deferred till November, and the results could not be shown in this report. For the F. A. and B. A. examinations, which were held in April, the figures stand thus—

		Passed in 1883-84.	*Passed in* 1884-85.
F. A.	...	93	73
B. A.	...	33	38

The exceptional success obtained at the F. A. examination in the former year was not maintained in 1884-85, but the results of the B. A. examinations were substantially better. With one exception, all the students who passed the B. A. and 66 out of the 73 students who qualified at the F. A. examinations, were sent up by the one or other of the five colleges. The methods which have been dopted to analyse and weigh the respective merits of the examination work done by the colleges during the year seems to be fair and proper, and should be duly considered by those primarily respon sible for the management and direction of those institutions.

Besides the ten institutions above referred to, St Peter's College, Agra, is included in the statistical returns, as subsidiary and general (imperial), of arts colleges. Its claim to collegiate status seems to be based on the existence of a class of two students for the Roorkee College examination. The special departments (1) for law in the Muir, Benares, and Canning Colleges, (2) for Sanskrit in Benares, and (3) for Oriental teaching in the Canning and Aligarh Colleges, are all classed as separate institutions in the returns, thus making up 17 in all; but into this total the Benares and Canning Colleges enter three times, and the Muir and Aligarh Colleges twice each. In the general tables the number of colleges is shown as 18, apparently by the inclusion of the Roorkee College, though no imperative reason is apparent why this institution should be admitted here and excluded from the subsidiary forms. The Sanskrit College at Benares continued under Dr. Thibaut's management to be both popular and efficient. It has been strengthened by the restoration of the Anglo-Sanskrit department, which commenced work in July 1884, and is reported to have made good progress.

Correspondence on the subject of Muhammadan education in British India issued by Government of India in the Home Department.

Extract from Financial Government Resolution on correspondence and reports:—

With regard to this matter, the Government of India, after a careful consideration of the local reports, including the opinion of the High Courts, has no hesitation in coming to the conclusion, that the Mussalman community have no substantial grievance. In those provinces in which any considerable number of cases of Muhammadan law come before the Courts, the Bar is largely composed of members of that community, so that Muhammadan exponents of the law are always to be found. The appointment of law officer to the Courts was abolished by Act XI of 1864, after full deliberation, on the ground that the office had come to be one of no practical utility. However necessary it may have been, in the early days of British rule, to employ Muhammadan experts to interpret Muhammadan law, especially when the criminal courts for the most part had to administer that law, such necessity has now ceased to exist; the Penal Code has been introduced, the general study of law has progressed, the standard for judicial employment has been raised, and text-books in English, dealing fully and ably with Muhammadan law, have become common. In the opinion, therefore, of the Government of India, the evidence forthcoming lends no support to the statements of the memorialists, that justice has miscarried from the want of acquaintance of the Judges with Muhammadan law. Nor does the Government see any reason to revive the system which would place members of the Mussalman community in the position of Assessor Judges to the civil courts of the country. It is also impossible to undertake that a Muhammadan Judge shall always sit on the bench of each of the High and Chief Courts; but the Governor-General in Council would

certainly admit the claims of any Muhammadan gentleman who might appear to be, in other respects, the best suited for such an appointment. One gentleman of the Muhammadan community recently filled the post of Officiating Judge of the bench of the High Court of the North Western Provinces.

The last point in the memorial to which it is necessary to refer, is the abolition of Urdu as the Court language of Behar. This was a measure carried out after much consideration by the Local Government. The Lieutenant-Governor now remarks regarding it—

To the objections against the introduction of Hindi as the official language of Behar, the Lieutenant Governor considers that a sufficient answer is furnished by the last Administration Report of the Commissioner of the Patna Division. It is stated in that report that the change in question has been effected without difficulty and with great advantage to the public in general. A new class of amla and legal practitioners acquainted with Hindi is springing up, while the charge has been introduced with such consideration for the claims of existing incumbents of offices, that the individual hardship caused by it has been inappreciable. This statement will be intelligible, when it is understood that even at the present day all subordinate officials and law-agents have some knowledge of Hindi. All speak it, and nearly all write it, though possibly not with the same facility as Urdu. There is reason to believe that this outcry against the use of Hindi in Behar, is rather a matter of factitious sentiment than of practical inconvenience. It is far louder among the Muhammadans of Calcutta who are not affected by the change than among the supposed sufferers. The change is the logical sequence of that exclusively Hindi teaching which has prevailed for nearly ten years with such marked success in all the primary patshalas and vernacular schools of Behar; in the very institutions, that is to say, form which the subordinate official classes, in whose behalf alone this outcry is raised, are fed. To give effect to the wishes of the National Muhammadan Association, therefore, on this point, it would be necessary to reverse the existing and approved policy of popular education in these provinces—a course which the memorialists themselves would hardly advocate.

The Governor-General in Council has felt it to be his duty in the preceding paragraphs to controvert various misconceptions which find place in the representations that have been laid before Government; but he will, as already stated, always take a lively interest in the advancement and well-being of the Muhammadan community, and he concurs in the remarks which not unfrequently occur in the local reports, that the very fact that a memorial like that under notice has been presented with the concurrence and approval of so many leading gentlemen in Bengal and elsewhere, indicates that the Muhammadans have themselves come to appreciate fully the necessity of moving with the times. They have now among them not a few highly educated and public spirited men who are keenly interested in the improvement and advancement of their co-religionists. The Local Governments are everywhere anxious to do all that they equitably can do to assist in this movement; and His Excellency in Council has little doubt that, within the next ten years, much greater progress will be made than has hitherto been recorded.

Administration of the Stamp Revenue, North-Western Provinces and Oudh, 1885.

PRINCIPAL STATISTICS :—

Gross receipts.

The following table shows the gross receipts for the year under report as compared with the budget estimate and the receipts of the preceding year :—

		Gross receipts, 1883 84.	Budget estimate, 1884-85.	Gross receipts, 1884-85.
		Rs.	Rs.	Rs.
General stamps under Indian Stamp Act (I of 1879).	N. W.-Provinces	11,92,643	12,29,515	11,67,077
	Oudh ...	2,92,347	3,16,015	2,98,863
	Total ...	14,84,990	15,45,530	14,65,940
Court fees stamps	N. W.-Provinces ...	34,76,869	33,57,500	35,46,879
	Oudh ..	9,49,996	9,08,300	9,23,023
	Total ...	44,26,865	42,65,800	44,69,902
	GRAND TOTAL ...	59,11,855	58,11,330	59,35,842

The aggregate gross receipts were thus Rs. 23,987 above those of 1883 84, and Rs. 1,24,512 (or over 2 per cent.) in excess of the budget estimate. The rise is, however, again (as was the case in 1883-84) confined to Court fees stamps, the receipts from general stamps for the two provinces showing a diminution of Rs. 79,590 as compared with the budget estimate, and of Rs. 19,050 as compared with actuals of 1883-84, although in Oudh the receipts from general stamps show an increase of Rs. 6,516 over those of the previous year.

Administration of the Punjab and its Dependencies, 1884-85.

PRINCIPAL STATISTICS :—

The year.—The year 1884-85 was one of average prosperity. The spring harvest of 1884 was good in the central and north western districts, but bad or indifferent in the south-east and south west of the province. Later on in the year there was anxiety as to the condition of some districts of the Delhi Division ; but the autumn rains were copious in that part of the country, and the autumn crop was both large in area and abundant in yield. The spring crop of 1885 was satisfactory, especially in the south-eastern Punjab. The depressed tracts in that quarter are now in a fair way to recovery, which, if the harvest at present in the ground turns out well, will probably be complete.

Throughout the year prices were generally moderate. The public health was not bad, except in the tracts visited by the severe epidemic of malarious fever which occurred in the autumn of 1884. From this cause the

death rate for the province reached a figure which has only been exceeded twice in the seventeen years during which the registration of births and deaths has been carried out in the Punjab.

Land-revenue.—Collections on account of land-revenue during the year amounted to about 212 lakhs, or nearly 3½ lakhs more than in the previous year. Notwithstanding this improved result the provincial balances increased and stood on the date of the last Revenue Report at nearly ¼ million of rupees. An analysis of the figures shows that more than eight-tenths of this large balance were due from the Delhi, Gurgaon, Rohtak and Karnál districts alone. More than 7½ lakhs were outstanding in Gurgaon and Rohtak in about equal proportions. There is reason to believe that these balances will be largely reduced during the current year. The occurrence of any considerable outstandings is a somewhat novel feature in the revenue administration of the Punjab; but is no doubt the inevitable result of the policy of prompt suspensions or remissions in all cases of real distress.

Indian Meteorological Memoirs, Vol. III, Part 1st.

THE RAINFALL OF INDIA.

MR. BLANDFORD writes :—

"It appears from a summation of the above data that, (including the Province of Assam, but excluding the Himalaya, the Burmese Peninsula, and also an area of about 150,000 square miles in the north-east of the peninsula, for which, until recently, rainfall registers were wanting,) the annual average rainfall of India is 39·3 inches. The rainfall of this unrepresented area may, however, be estimated with approximate accuracy as 49·1 inches (the mean of the three provinces surrounding it, and much of which it resembles in its geographical features). Including this, the average rainfall of India becomes

40·7 inches or 1,034 millemeters.

"This result I have tested by a different method, which is, perhaps, more trustworthy. A copy of the large rainfall chart of India, on the scale of 64 miles to the inch (lately published), was cut into 25 sections, for the most part following the boundary lines of the rainfall increments. Each fragment was then weighed in a delicate chemical balance, and its area computed from the weight by comparison with that of a standard area of the chart. The average rainfall of each was then computed from that of all the stations included in it, amounting to about 1,000 for the whole area, and the sum of the several products of areas and their respective rainfall, divided by the sum of the areas, gave exactly

42 inches, or 1,067 millemeters,

which is adopted as the average rainfall of India within the above defined limits.

'The average of Pegu, omitting the Arakan, Yoma and the adjacent coast is about 73 inches; that of the coast tracts of Chittagong, Arakan, and Tenasserim varies from 100 to upwards of 200 inches, as far as is shown by existing registers, nearly all of which are those of stations on and near the coast line. As the rainfall of these stations can scarcely be accepted as representing the average of the whole provinces, I omit any estimate of the represented areas. For the same reason I omit the area of the Bay Islands.

"The average rainfall of India as a whole, as above estimated, does not differ very much from the general average of the tropical zone; but within the limits of India Proper and Assam, the extreme variations are such as

are without parallel in any other country in the world. On the one hand, we have the station of Cherra Poonjee, with a fall of from 500 to 600 inches and on the other, Jacobabad, with an annual average of less than 5 inches, and a minimum of less than one inch ; and in the case of individual stations and even rainfall provinces, the variations from year to year are considerable, and, as we shall see subsequently, relatively greater where the fall is small than where it is heavier.

"On the mean of the whole represented area of India, the extreme difference of the driest and wettest years, comprehended in our registers, amounts to 13 inches on the general average of 42 inches, or 31 per cent. of the mean fall ; ranging about equally (15 per cent.) in excess and (16 per cent.) in defect of the normal average. Into the question of these variations, so all-important in their influence on the prosperity of India, I shall enter at some length in the second part of this memoir ; but, before doing so, it will be necessary to take a general survey of the normal or average distribution of the rainfall, and the meteorological conditions on which it depends, under the two-fold aspect of their seasonal and geographical relations."

Public Instruction, Bombay, 1885.

PRINCIPAL Statistics :—

EDUCATIONAL INSTITUTIONS.

The total number of educational institutions at the close of the year was 6,726 against 6,335 in the previous year, or an increase of 391. The number of scholars also increased from 413,341 to 438,416, an addition of 25,075.

Of the 391 new institutions opened during the year, 2 were Government institutions, 91 belonged to Local Fund and Municipal Boards, 207 were private institutions aided by the Department, and 83 were in Native States.

The following table shows the distribution between the Department, Local Fund Boards, &c., &c., of the educational institutions in existence at the close of 1884-85 and 1883-84 :—

Class of Institution.	1884-85	1883-84.
Institutions maintained by the Department ...	105	103
Institutions maintained by the Local Fund and Municipal Boards	4,210	4,119
Institutions maintained by Native States ...	1,664	1,581
Institutions aided by the Department or by Local Fund and Municipal Boards ...	669	462
Unaided institutions ...	49	42
Police and Jail schools ...	29	28
Total ...	6,726	6,335

The following statement exhibits at a glance the net results of the year as regards both the increase of schools and the increase of scholars.

	Schools.	Scholars	
	Increase.	Increase.	Decrease.
Schools maintained by the Department	2	1,386	...
Schools maintained by Local Fund and Municipal Boards ...	91	7,491	...
Schools maintained by Native States ...	83	7,712	...
Schools aided by the Department or by Local Fund or Municipal Boards...	207	9,419	...
Unaided schools	7	...	734
Schools maintained by other Departments	1	...	199
Total ...	391	26,008	933
Deduct—Decrease	...	933	...
Net Increase ...	...	25,075	...

Aided Institutions.

It will be observed that, during the year under review, aided private enterprise has contributed towards the net increase of, the year more schools and more scholars than the Department and the Local and Municipal Boards put together—a result which must be considered satisfactory, when the fact is recognised that it is impossible for Government with the means at its disposal, to educate more than a very small percentage of the population, and that its efforts must be mainly directed to setting an example in each district by maintaining a high standard, and to the development of those branches of education and those localities which private enterprise is likely to neglect.

Indian Census Statistics, 1884-85.

There were 714,707 villages, townships, and cities in India in 1881, and 43,532,035 inhabited houses. The villages, townships, and cities were in the proportion of 0·52 to each square mile of territory, and the houses in the proportion of 32 to each square mile. Bengal had much the largest number of villages, &c., these amounting to 248,706 and being at the rate of 1·59 to the square mile. The North-Western Provinces came next with 81,084 villages, &c., or 0·99 to the square mile. In Oudh there was one village, &c, to the square mile of area in the province. These are the three most densely populated provinces in the empire, the number of persons to the square mile being 470 in Oudh, 426 in Bengal, and 400 in the North Western Provinces. Cochin, indeed, shows a population of 441 to the square mile in an area of 1,361 square miles, but in this small parcel of native territory, it is only the port which belongs to the British Government.

In Bengal the number of houses to the square mile was 67, the houses containing an average of 6·32 persons. The North-Western Provinces had 59 houses to the square mile, with an average of 6·82 persons to the house, and Oudh 85 houses, with an average of 5·51 persons. The average number of persons to each house for all India was 5·83.

Out of the male population of 129,941,851 contained in India

52,029,098, or 40 per cent., are returned as engaged in agriculture 7,248,475, or 5·6 per cent., were labourers; 3,027,958, or 2·33 per cent., were in the service of Government or members of professions 2,489,516, or 1·9 per cent., were engaged in domestic service and occupations; 49,248,645, or 38 per cent, were returned as "independent and non-productive, and unspecified;" 3,238,734, or 2·5 per cent. were in commerce, and 12 659,425, or 9·7 per cent., were in industrial occupations.

Thus we find less than 12½ per cent. of the male population engaged in commercial and industrial pursuits, while 40 per cent. were directly engaged in agriculture, to which should be added probably the bulk of the labourers, and doubtless a large proportion of those returned in the "independent and non-productive" class were directly dependent on the land, though not actually employed in its cultivation.

The total area of the country in 1881 was 1,372,588 square miles, but the division into cultivable, cultivated and uncultivable land is so lacking in completeness, that it is not possible to say what relation these divisions bear to each other except for some provinces.

Although there were altogether, in 1881, 714,707 towns and villages in India, in great part these are small collections of huts, hardly worthy of being even called villages. As many as 348,466 contained less than 200 inhabitants each, and 184 486 contained each a population varying between 200 and 500. Of towns, properly so called, the number is relatively very small for such a vast area. There were only 63 with a population exceeding 50,000; 123 with a population of from 20,000 to 50,000, and 388 with a population ranging between 10,000 and 20,000. In the first class of the 63, containing a population of upwards of 50,000 each, there were only 23 with a population exceeding 100,000, and of these 23 only 5 had a population each of more than 200,000, namely, Bombay, Calcutta with its suburbs, Madras, Hyderabad in the Deccan with its suburbs including Secunderabad and Lucknow. It is probable that Benares may have to be added to the list of towns containing over 200,000 inhabitants, for at the last census it was only 300 short of that number, and the city has increased largely in numbers of late years. In general, the increase of the population of these large towns is noticeable, and in a few cases, such as Rangoon, quite remarkable. Some few towns fell off in population during the decade (Lucknow, Bhagalpur, Farukhabad, Mirzapur, and Monghyr), but whereas in 1871 there were only 45 towns in India with a population exceeding 50,000, the number had increased to 63 in 1881.

No. of Table.		*Page.*
1.	—Comparative statement of population by sex of the several Provinces in India according to the census of 1881 and previous census	1 & 2
2.	—Area, villages, houses, and population in India	3
3	—Population of India, classified according to sex and age ...	4 & 5
4.	—Population of India, classified according to religion ...	6 & 7
5.	—Male population of India, classified according to occupation	8 & 9
6.	—Population of India, with reference to the cultivation of land and the land-revenue	10—13
7.	—Towns and villages in India, classified according to population	14
8.	—Total population of the 63 largest towns in India ...	15

CRITICAL NOTICES.

GENERAL LITERATURE.

Our Administration of India. By H. A. D. Phillips, B. C. S., London: W. Thacker & Co, 87, Newgate Street, 1885.

THIS is "a Review," as the author tells us, "of the Revenue and Collectorate Administration" presumably of Bengal. He has "had ten years experience of various districts in the Mofussil," or country, as distinguished from the town, *i. e.*, Calcutta. "An accurate and truthful picture" is what he has "a desire to place before the English public," and he holds "no brief from the Bengal Government or any other authority."

Well! The title does not seem fetching, but a glance at the book dispels the Blue-Book impression that the title gives one; and although very much of the substance of the work is familiar to old Quai Hais, few even of these will read it without learning something.

We, ourselves, after twice the experience of the author, would confess to having new light thrown on several of the questions touched upon, and almost wish, even in these days of breathless hurry, that he had given us more observations.

"Wards' Estates and Forest Administration" is interesting and instructive, particularly to the Mofussilite, but we could stand more than six and a half lines upon Tea which, in 1883, occupied nearly 50,000 acres in Bengal, or about one-quarter of the area under Tea in the whole of British India as it was in 1881.

The "Proteau variety" of a Collector's duties are thus pointed out. "He inspects schools, dispensaries, police-stations, pounds, registry offices; he observes the condition of the crops, the state of embankments, the progress of irrigation, inquires into the state of public feeling on various subjects, the relations of landlord and tenant, and other matters connected with land-revenue and rent administration. He perhaps has to overhaul a settlement made by a subordinate officer, and to satisfy himself that the rates imposed are fair and just. He inspects the papers and records of Managers' offices in Government and Court of Wards' Estates; he notes the course and direction of trade, any unusual emigration, immigration, or other internal movements of the people. He pays and receives visits from influential zemindars; and

perhaps settles amicably some dispute between a landlord and his tenantry. He inquires into the working of the regular and village police, satisfies himself that bad characters and convicted offenders are properly looked after; inspects liquor, opium, and ganja shops; sees that roads have been properly repaired; inquires if any well-to-do traders have escaped the license-tax. Then he looks after vital and mortuary statistics, vaccination, the sanitation of villages, the state of roads and communications, drainage, and other matters almost too numerous to mention." A Collector's district has often over 2,000,000 inhabitants, and may be bigger than Wales. It might have been mentioned, that the Collector's duty is also to write reports, more or less elaborate, upon most of these subjects. Poor fellow!

"Excise, Revenue and Opium" occupy an interesting chapter. The morality of the opium traffic is upheld, and Sir R. Temple quoted in support.

Fever, that scourge of India, is noted to have slain outright seven or eight *per cent.* in the Burdwan epidemic of 1872, leaving abandoned and ruined houses in its track. Other and more pleasing statements are contained in this chapter on the census, which tells us that there are only four insanes in Bengal to every 10,000 inhabitants.

The Cess Act and Land Acquisition chapters we will pass by, with the salt revenue, license-tax, stamp-revenue and registration, &c., subjects extremely interesting to legislators, budding and other.

"An Agricultural Sketch" is very well limned. "A Bengal village" is a vignette of the best. It is truthful, if not everywhere pleasing, for "the worship of the Goddess Ananke," whom we think identical with St. Cloacina, has to be brought in, and the interference with clean water which its promiscuous *cultus* necessitates.*

"The Bengali Babu" and "enforced widowhood" conclude the volume of 234 pages, which may well be read by every one who wants to know how we are governed in India.

† ‡ We can heartily recommend the book to old and young Quai Hais, and to the English-reading public. The print is large, and there is a good index.

Pages 125 to 160 have been misplaced in our copy between pages 128 and 149.

* *See*, for a less graphic, but more detailed account of the Bengal village, "Bengal Peasant Life." by the Rev. Lal Behari Day.

† Mr. Phillips has done well in giving us such a readable and useful precis of Blue-Books and Administration Reports, and like Oliver, we ask for more.

‡ The volume is convenient in size and well got up.

Mind-cure on a Material Basis. By Sarah Elizabeth Titcomb, Author of "Early New England People." Boston: Cupples. Upham & Co., 283 Washington Street, 1885.

THIS book is a thing of shreds and patches, not worth reviewing. In it science and religion, matter and mind are jumbled together. Scissors and paste have been used with perfect freedom, and this *olla podrida* of a book is the result.

Here are a few of the authors thus mutilated: Dr. Carpenter, Dr. Hack Tuke, Dr. Laycock, Professors Tyndale (*sic*), Huxley, and Balfour Stewart, Sir William Hamilton, Oliver Wendell Holmes, Sir Benjamin Broady (*sic*), Mrs. Gaskell, Maudsley, Brunton, John Hunter, Muller, Sir H. Holland, Bacon, Berkeley, Herbert Spencer, Lockhart, Spinoza, Priestly, Sir Isaac Newton and Mr. Sinnett.

There is not much room left for the Titcomb. The writer's conclusion of the whole matter is put into the appendix.

"As it will probably be some time before the mind-cure will be universally resorted to for the cure of disease, it will not be amiss to give * * for nervous prostration and melancholia * * * an unfailing cure for those diseases. The remedy is as follows:—

"Three drams of pulverized guaiacum, three drams of colombo root, one pint of sherry wine, and two ounces of sugar. The dose is from one to two tablespoonfuls, three times a day, just before eating."

And this is Boston! Dram-shop-less Boston! No wonder that thy Chemists and Druggists drive a roaring trade.

Here, in India, this sounds very like Sherry and Bitters. Finally, there is no index.

Salammbô. By Gustave Flaubert. Englished by M. French Sheldon. Saxon & Co. London and New York.

THE work of which this is a translation, is generally considered the masterpiece of the writer whose name it bears. As a monument of erudition it may well excite wonder, but we question whether any one ever read it, even in the original, for the sake of mere pleasure.

Gustave Flaubert had peculiar ideas about his art. He travelled for ten years in Italy, Sicily and Greece; Turkey, Asia Minor, Egypt and Nubia, excavating and examining ruins, ransacking libraries and museums, and studying manners, customs and topographies, in order that his wonderful story of Ancient Carthage might be perfect in the minutest archæological particulars. In his excess of conscientiousness, he lost sight of the limitations under which the novelist must necessarily work, if he is to command popular attention. The

result, as presented in "Salammbo." is a work so overloaded with unfamiliar details, and so bristling with strange terms, that all dramatic effect is marred.

However well "Salammbo" might have been translated, this defect would have been fatal to its popularity. But M. French Sheldon's translation is far from being a good one. Odd constructions, and inappropriate expressions betray, in almost every sentence, the hand of the foreigner, and make the most powerful passages tame or ridiculous. Even the order of the words is seldom the most effective that could have been chosen, and the phraseology is throughout, in the highest degree, unnatural.

This is the more to be regretted, as Flaubert was an author who made an elaborate and loving study of the form of all he wrote. In his choice of words he showed the most delicate appreciation of nuances, and in their arrangement the most scrupulous regard for rythm. It is even said that he graduated his sentences to musical notes, to suit the mood he wished to excite.

Only a consummate master of the English language, by the freest possible treatment of the original, could have hoped to reproduce anything like its effect. M. French Sheldon's translation not only misses such points as these, but conveys no idea of either the eloquence or the grace of the original. On the other hand it is obviously, in a high degree, painstaking and, for the most part, grammatically accurate.

Burma : as it was ; as it is, and as it will be. By James George Scott. (Shway Yoe). London : George Redway. 1886.

THE account given by Mr. Scott in this handy volume of the history, the country, and the people of Burma, is unlike most books on Burma—thoroughly readable. Indeed, the greater part of the section devoted to the people, may fairly be classed as light literature, and is as amusing as it is instructive.

Mr. Scott writes very appreciatingly of the Burmese, whom he justly describes, not only as the most sociable of men, but as unsurpassed for their hospitality. The white man who enters a remote village, no matter how tattered and torn he may be, is sure not merely of a hearty welcome, but of everything that is given or done to satisfy his needs and promote his comfort. Unhappily this open heartedness is very often abused by deserters from British regiments, sailors who have left their ships, and other varieties of the genus loafer, who are never repulsed, and might batten on the good nature of the country-folk for an indefinite period, if they did not get drunk and uproarious.

"'Charity,' says Mr. Scott, "is the most prominent doctrine of Buddhism, and the Burmese carry it to extraordinary lengths; but money very few Burmese have. When they do make a lucky haul with a judicious paddy speculation, or a *coup* in the timber trade, they forthwith spend all the money in works of merit, or in hiring a wandering troupe of actors for the amusement of the neighbourhood. Then they are penniless and happy again. They have entirely avoided the curse of Adam, and scout the necessity of earning their bread with the sweat of their brow."

Of the country and its capabilities, Mr. Scott gives an account which ought to reconcile all, and the most crabbed of Radicals, to the recent annexation, the events leading up to which are also very clearly described by him. The ancient history of the country he very judiciously dimisses with a few broad touches.

The book is essentially one for the people, rather than for the learned; and its appearance at this time is particularly opportune.

Ancient Proverbs and Maxims from Burmese Sources; or the Nîti literature of Burma. By James Gray. London: Trübner and Co. 1886.

IN this volume of Trubner's Oriental Series we have a translation of the collections of proverbs and moral precepts severally known as the Lokanîti, the Dhammanîti, the Rajanîti and the Suttavadhanîti.

Of these, the first three are recensions from Sanskrit sources, in the Magadhese dialect, made apparently between the 12th and 14th centuries, and translated at much later dates into the Burmese vernacular, while the fourth is a comparatively recent collection of maxims from the Buddhist canon.

It is possible that the first three collections may have existed in a similar form in India; and there is internal evidence to show that the originals were Brahmanic, or at least Brahmanicised works, and that they have undergone a certain amount of modification to reduce them to conformity with Buddhistic notions.

Mr. Gray appears to have performed his work of translation and annotation with great care and judgment.

The Sacred Books of the East. Edited by Max Müller. Vol. XXVI, XXVII XXVIII. Clarendon Press, Oxford.

VOLUME XXVI of this important series is occupied by Julius Eggeling's translation of the third and fourth books, Satapatha Bhramana. These books form an important

chapter (as the translator informs us) of its dogmatic explanation of the sacrificial ceremonial. This portion of the work treats of the ordinary forms of the most sacred of Vedic sacrificial rites—the Soma Sacrifice. The Soma is the source, and the juice extracted from it—the Holy Service. This is the earthly Soma, or so to speak, the Avatar of the divine Soma. The latter, on the other hand, is a luminous deity, the source of Light and Life.

Wonderfully minute and varied—and in their minuteness and variety, full of poetry and beauty—were the practices and customs which the ancient Hindus connected with consecration and sacrificial worship, and Mr. Eggeling's important work will have a deep interest for Oriental scholars.

Thornton's Gazetteer of India. Edited and revised by Sir Roper Lethbridge and H. N. Wollaston, Esq. W. H. Allen & Co., Waterloo Place. London.

THE latest editions of this important work contains some important modifications of the original publication. Much of the detail is omitted, and only such leading facts and figures are retained, as will suffice for ordinary purposes of reference. These leading facts and figures have been most judiciously selected, and are set forth in such a clear, condensed, and systematic manner, that the value of the book, as a work of reference, has, in our opinion, been enhanced rather then diminished in this new edition.

Satakas of Bhartrihari. Trübner's Oriental Series. Translated from the Sanscrit, by the Rev. Hale Wortham. Trübner & Co. London.

THREE Satakas, or centuries of couplets, are ascribed to Bhartrihari, but only the Niti and Vairagya Satakas have been translated by Mr. Wortham. The amatory couplets have been omitted by Mr. Wortham, owing to the difficulty of translation, and perhaps for other reasons, and the translator gives us the centuries on polity and ethics and on religious austerity. The centuries are assigned to Bhartriari, but as Mr. Wortham justly says "beyond traditions, there is no evidence whatever as to the authorship of these Satakas." Whoever the author may have been, he was a wise man in his generation, a close student of human nature, and a keen observer of human history. The Satakas are admirably translated, and they were well worth translation.

The Indian Medical Journal. Edited by Dr. Deakin. Newman and Co., Calcutta.

ALL new journals are started "to supply a want;" but the want supplied by this journal was very obvious and its existence very undeniable. Not only is the want supplied in this publication, but it is supplied in a very thorough and satisfactory manner indeed.

Essays relating to Indo-China. Trübner's Oriental Series. Vols. I and II. Trübner & Co. London.

THIS series consists, for the most part, of reprints from the Indian Repertory, and the Journal of the Asiatic Society of Bengal. It is occupied altogether with a series of most valuable papers: ethnological, philological, zoological, geological, &c., relating to the Malay Peninsula. A most interesting paper, in the second volume, on the geology of Singapore, deserve special attention.

The Indian Antiquary. Bombay Education Press. Trübner & Co., London. Vol. XIV.

THIS is a capital volume of the *Antiquary*. The contents are very varied, and some of them are of great interest; but the place of honor of this volume must, in justice, be assigned to Professor Howorth's deeply interesting series of papers on Ghengis Khan and his ancestors.

VERNACULAR LITERATURE.

Aryanári Gáthá. By Meghnath Bhattacharya, B.A. Printed by Amarnath Chakrabarti at the People's Press, 78 College Street, Calcutta.

IT is really refreshing to turn from the mass of vapid verbosity which the Bengali press is turning out every day under the name of poetry, to the volume before us, in which stories of remarkable Indian women are related in simple and artless verse. The verse employed in this book does not consist of the high-sounding metre of Hem Chandra or Nabin Chandra, and is therefore devoid of grandeur of form. But it is more winning than the verse of Hem Chandra or Nabin Chandra, because it is composed in the plain and homely metre of Kirttibas and Kashidas. We have, indeed, enjoyed the pleasure of reading a book written in the style and spirit of a genuine Bengali, and for this we have to heartily thank Babu Meghnath Bhattacharya.

The stories of the great Indian women—Rajput, Mahratta

and Bengali—related in this book are illustrative of uncommon female virtues. Patriotism, valour, fortitude, fearlessness, self-sacrifice, constancy, benevolence, piety, purity—these are high human virtues, and these virtues appear highest when they are displayed under circumstances of difficulty and danger by members of the softer sex, and especially by those members of the sex who, like the queens and princesses whose tales are told in this volume, are born and brought up in the lap of luxury. In the tales before us, we have examples of these virtues, which are as remarkable in themselves as they are characteristic of the womanhood of India. It is indeed in the wonderful display of these elevated virtues, in the queens and princesses whose adventures are described by our author, that we heartily recommend it to our readers for perusal, as the highest and most precious of all kinds of poetry,—the poetry of life and the poetry of action.

Usha-charit. By Dinanath Dhara. Printed by Munshi Maula Buksh at the Girish Press, Dacca, 1292 B. S.

USHA was a poor little child, the author's own son, who died in his fifteenth year. *Usha-charit* is therefore a memoir of a child of fifteen. But a child of fifteen cannot be the subject of a memoir, because a child of fifteen can do little that deserves to be recorded or studied. *Usha-charit* is therefore not a memoir of poor Usha, but of his poorer father Babu Dinanath Dhara. And in this memoir Babu Dinanath's friends will find in it a picture of him which, though drawn by himself, is nevertheless perfectly blameless, and which they will dearly cherish in their heart of hearts as the picture of one of the best and kindest of men. But the book has also some interest for the general public. There are raised in this book, in connection with the sad story of the child Usha, and the sadder story of Usha's unfortunate parents, questions of fate, destiny and providence, which should attract the attention of all thoughtful men, not only on account of the philosophical interest which belongs to them, but also because they have by no means an unimportant bearing upon man's practical life and conduct. The author says that he is not a fatalist, and yet the mournful incidents of his life, have had an effect on his belief and general cast of mind which lead him to talk very much like one that has found something true and tempting in fatalism. Hear what he says at pp. 30 and 31 of his work :—

"Usha was born on a Thursday. The disease, of which

Usha died, also attacked him on a Thursday. I wrote an account of Usha's illness in the form of a diary; and I observed that every relapse that Usha got, came on on a Thursday. Usha fell down a certain number of times on account of weakness a in state of convalescence, and it was every time on a Thursday that he had a fall. Usha came into this world on a Thursday on the first day of the month, and it was on a Thursday on the first day of the month that he also went out of it."

We know not if these coincidences have any meaning. But these are certainly strange coincidences, which, occurring in a depressed state of a man's mind like that of the poor author of this memoir, exercises an influence upon it which invests with it some significance. Graver questions even than the question of these strange coincidences are raised in this work: the question, for instance, of the very existence of God and the exercise of Divine Providence over the affairs of men. Great personal calamities sometimes convert even devout believers into sceptics, and that is why we descern a truly human interest in this story of the really heavy personal bereavements of Babu Dinanath Dhara.

Debatattwa. Bv Kishorilal Raya. Printed and Published by Matilal Mandul at the Gupta Press, 221, Cornwallis Street, Calcutta, 1885.

A RATIONALISTIC exposition of what is commonly called Hindu Mythology, is attempted in this work. Take one small specimen :—

"It has been said that the goddess Kali sprang out of the goddess Durga's forehead. This means, that as in anger the the brows are contracted, so the goddess Kali, who represents Nature's angry aspect, sprang from Durga's brows."

We will not say how far the author's explanation has been reasonable or correct, for it is dangerous to be positive or dogmatic either in attempting a rational explanation of mythology ourselves, or in criticising a rational explanation of it when offered by another person. All that we think it proper and needful to say in connection with this book, is, that the attempt made in it to explain Hindu Mythology upon rational principles is very praiseworthy and extremely opportune in view of the movement for the revival of Hinduism which is being carried on just now with so much vigour and earnestness by educated Bengalis.

Kanakanjali. By Akshaya Kumar Baral. Printed and Published by Ganesh Chandra Chattopadhyaya at the Bijnan Press, 20 Sukea's Street, Calcutta. Aswin, 1292 B. S.

OUR readers know Babu Akshaya Kumar Baral very favorably as the author of a poetical work entitled *Pradip*, which was noticed in this *Review* some time ago. Babu Akshaya Kumar's new poem fully sustains the reputation he has already acquired as a writer of genuine lyrics in Bengali. In the pieces composing this volume, the sentiment principally described, or given expression to, is love in some form or other, and we are glad to be able to say that in none of the forms in which it enters into these poems does the sentiment appear unattractive or impure. We, however, relished the sentiment most in the form in which it is expressed in the piece called হিরণ্ময়ী, which we cannot conveniently extract here, and in the form which it wears in the piece called মাতৃহারা কন্যার মৃত্যুকালে, which we reproduce below :—

বৃন্ত-চ্যুত হ'য়ে ফুল, উত্তপ্ত পাষাণে পড়ি,
র'বি আর ক-দিন বাঁচিয়া?
যাহার সাধেতে তুমি ফুটিয়া উঠিয়াছিলে,
সে যখন গিয়াছে চলিয়া,—
রাখি তোরে কি ক'রে ধরিয়া!
মিষ্ট হাসিটি যার, প্রতিবিম্ব হ'য়েছিলে,
যা তার অধরে ঘুমা গিয়া!
যেখানে ভরসা আশা, পাঠায়ে দিয়েছি সব
হৃদয় বাঁধিয়া;
যে গহ আমার তরে, গড়িতেছে কোন রাজা,
জগতের সুখ সাধ ভাঙ্গিয়া ভাঙ্গিয়া;
মরু-ভূমে তবে তুমি, যে ক্ষুদ্র লতাটি ছিলে
ছায়া বিছাইয়া;
—ঘুমা সেথা গিয়া!

This is, deep, sweet and pure; and there are many other pieces which are deep, sweet and pure. But this piece has a clearness which some other pieces have not. Some of the pieces have therefore cost us much effort, and yet we have not been able to thoroughly enter into them. The undefined and intangible form of those pieces has failed to fix our minds in them; we have therefore hovered amongst a variety of forms, images and situations; and we have consequently risen from their perusal often unmoved and sometimes even perplexed. And our disappointment has been all the more painful, because we have

felt in reading those pieces that there is in them some deep, some sweet, some genuine affection of the heart which the indefiniteness of their form has prevented us from perceiving. This indefiniteness prevents us from enjoying much that strikes us as excellent poetry in Bengali. We have heard some very warm admirers of this school of Bengali poetry, of which this indefiniteness is a favorite characteristic, say that the reader can, by means of a little close thought and reflection, pierce through this veil of indefiniteness and see the thing that is in the poet's mind. For ourselves we say that it is very difficult for the reader to do so. A particular situation often affects different people very differently, and if you do not therefore define your situation clearly, the chances are, ten to one, that 99 out of 100 among your readers will not know what that situation is, and must therefore remain more or less unmoved or unaffected by your description of it. You will perhaps say that a careful examination of the different items which enter into your description of the situation ought to enable the reader to make out the exact nature of that situation and thereby to enter fully into your thought and feeling. But the items do not consist of material things like the different parts of a chair or a couch, from which a chair or a couch can be easily inferred or imagined, but of shades and phases of feeling which are really very subtle, and cannot be connected with each other so easily, or with such confidence as the different parts of a chair or a couch. You should also bear in mind that the reader's difficulty in understanding you is increased, not only in consequence of the same thing affecting different people in different ways, but also in consequence of many things affecting men in much the same or similar way. When you, therefore, do not state plainly, or with sufficient clearness, what you mean to describe, your reader must go about trying this and that thing in order to ascertain which will exactly answer to your description. But trials of this kind, we do not hesitate to say, almost always end in a failure, and the result is that you are not thoroughly understood and appreciated. True thought and true feeling suffer nothing by declaring plainly what they are. They also gain nothing, but risk themselves enormously by appearing in disguise or in forms of vapoury vagueness. The poets of the school to which Babu Akshaya Kumar belongs are writing really good poetry, and we should be sorry if so much of what they write should fail to yield pleasure and profit to their countrymen by reason of its vagueness or indefiniteness. We therefore sincerely trust that our reflections on this subject will be taken in a perfectly generous and friendly spirit.

We should also observe that it is not good to introduce

politics or political feeling into lyric poetry, as is done in the following verse of Akshaya Kumar:—

ভিতর জ্বলিয়া যাবে, বাহিরে তেমনি রব,
কি করিয়া হয়?
ইংরেজ রাজত্ব মত, উপরে চাক চক্য মাখা,
মাঝে শূন্য-ময়!

This is anything but poetry, and the reason is, that this is poetry degraded into politics.

Babu Akshaya Kumar possesses the true poetic vein, and his work contains much true poetry. If we have spoken more of the faults than of the merits of his poetry, it is because we feel proud of him as a young Bengali poet, and therefore desire to see his poetry become more perfect. His merits are already too well known and appreciated to require laudation from us.

THE

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No man who hath tasted learning but will confess the many ways of profiting by those who, not contented with stale receipts, are able to manage and set forth new positions to the world: and, were they but as the dust and cinders of our feet, so long as in that notion they may yet serve to polish and brighten the armoury of truth, even for that respect they were not utterly to be cast away.—MILTON.

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No. CLXVI.

CONTENTS.

PAGE.

ART. I.—THE NORMAN ARCHIPELAGO:—
An Experience of Home Rule 223

„ II.—LIVES OF THE TWELVE CÆSARS AS WRITTEN BY A CONTEMPORARY 241

„ III.—IS HINDU MUSIC SCIENTIFIC 277

„ IV.—COMPARATIVE CRIMINAL PROCEDURE ... 296

„ V.—WOMAN IN INDIA: HER INFLUENCE AND POSITION 347

THE ENGLISHWOMAN IN INDIA: HER INFLUENCE AND RESPONSIBILITIES 358

„ VI.—IMPRISONMENT FOR DEBT IN INDIA:—
First Notice 371

„ VII.—BI-METALLISM AND ITS DIFFICULTIES ... 389

„ VIII.—SIMLA, CALCUTTA, AND DARJEELING AS CENTRES OF GOVERNMENT 398

JAE SING: A STORY OF THE OLDEN PANJAB TIME ... 420

SONG OF THE ALGERINE CORSAIRS... 422

THE QUARTER 423

SUMMARY OF ANNUAL REPORTS:—

1.—Papers relating to the cultivation of, and trade in, Wheat in the Lower Provinces ... 429

2.—Report on the external trade of Bengal, Nepal, Sikkim, and Bhutan, 1885-86 *ib.*

3.—Jails of the Punjab, 1885 430

4.—Civil Justice, Punjab, 1885 *ib.*

5.—Insane Asylums, Bengal, 1885 431

6.—Inland Emigration, Bengal, 1885 *ib.*

7.—Calcutta Police, 1885 432

8.—Indian Trade and Exchange 433

9.—Survey of India, 1884-85 434

10.—Dispensaries and Charitable Institutions, North-Western Provinces and Oudh, 1885 ... *ib.*

11.—Calcutta Court of Small Causes, 1885 ... 435

CRITICAL NOTICES :—

1.—General Literature.— PAGE.

1.—Imperial Review, July 1886. Melbourne : Alex. M'Kinley & Co. i

2.—Army and Navy Magazine, July 1886. London : W. H. Allen & Co., 13. Waterloo Place ... ii

3.—Hydrophobia and M Pasteur. By Dr. Vincent Richards, F.R.C.S.E. Calcutta : Thacker, Spink & Co. iii

4.—The National Review, August 1886. London : W. H. Allen & Co., 13, Waterloo Place, S. W. iv

5.—Compendium of Oudh Talukdari Law. By John Gaskell Walter Sykes, L. L. B. London : Calcutta : Thacker, Spink & Co. v

6.—"The History of India as told by its own Historians" The Local Muhammadan Dynasties, Gujarat. By the Late Sir Edward Clive Bayley, K C.S I. Partially based on a Translation by the late Professor John Dowson. Published under the patronage of H. M.'s Secretary of State for India. Forming a Sequel to Sir H. M. Elliot's History of the Muhammadan Empire of India, London : W. H. Allen and Co., 13, Waterloo Place, Pall Mall, S. W. Publishers to the India Office, 1886 *ib*

7.—"Imperial Gazetteer of India." By W. W. Hunter, C.S., C.S.I., C.S.E., London : Trubner & Co, 1885. viii

2.—Vernacular Literature.—

8.—Lakshamanár Swayambar Natak. By Kunjabihári Chaudhuri. Printed By Jayagopal Ghosal at the Aruna Press, Bakulbagan, Bhowanipur. 1292 B. S. ix

9.—Adarsa-charit Krishnamohan. By Durgádás Láhiri. Printed by Binodbihari Ráya, at the Sadhan Press, 148, Maniktala Street, and Published by Gurudas Chattopadhyaya at the Bengal Medical Library, 201, Cornwallis Street, Calcutta. 1292 B. S. xi

10.—Aryajiban arthat Hindu Achar Byabahar Prabhitir Baijnánik Byákhyán. Part I. By Gangádás Basu. Printed and Published by Girish Chandra Ghosh, at the Samya Press, 45, Benetola Lane, Pataldanga, Calcutta. 1292 B. S. xiii

11.—Brahma Samajer Bartaman Abasthá eban Amar Jibane Brahma Samajer Parikshita Bisaya. By Bijaya Krishna Goswami. Printed and Published by Kartik Chandra Datta, at the Brahmo Mission Press, 50, Sitaram Ghosh's Street, Calcutta xv

THE

CALCUTTA REVIEW.

NO. CLXVI.

ART. I.—THE NORMAN ARCHIPELAGO.

[*An experience of Home-Rule.*]

IN the *Historical School Geography*, published by Messrs. Simpkin and Marshall in 1882, occurs the following description of the Channel Islands—which are said to be "adjacent to England, on the South Coast."

"The Channel Islands are all that remain of our French possessions. . . The language is French patois. . . They export agricultural produce, and are included in the see of Winchester."

This tissue of inaccuracy and inadequacy, is a painful illustration of the carelessness with which the young Briton is instructed: and is worthy of the writer who, when he comes to India, asserts that the Hindu kings are called Rajas, and the Muhamadans *Begums*.

Yet there is matter in the past story and present condition of these miniature nations well calculated to throw a light on the more important affairs of the British Islands, and set the minds of intelligent children working in a highly profitable way.

The most important lesson that the Channel Islands have to teach is, that there is no necessity for English rule being vexatious or unpopular to outlying subjects. It has become a commonplace, that the English are inferior to the French in these respects. All the different parts of the one Empire are proud of their nationality. On our side of the Channel, it is held, resides an unamiable race of dull, puritanic hypocrites; strong and skilful, no doubt, as sailors and as colonists, but unable to unite aliens to their system.

The English, we are told, are nowhere liked. *Les Anglais*, reported Count Gobelet D'Aviela after his tour in India, *sont justes, mais ils ne sont pas bons*. And, certainly, whether or no all the charges of oppression brought against our forefathers

are true, there is the awkward case of Ireland, where a people, not very dissimilar in blood, speaking the same language, and accustomed for many generations to the same laws and institutions, appears as irreconcileable now as when first subjugated.

It may be some consolation to the wounded susceptibilities of an Englishman, too much depressed by thinking of these signs of unpopularity, to take a short tour among the Channel Islands. Here, he will find a population that has lived for a thousand years off the French coast, speaking the French language, and subject, for a great part of the time, to French spiritual jurisdiction, yet who cling to the English, and regard the French with such an unquenched spirit of hereditary animosity, that they keep up, at their own expense, an armed force of artillery and infantry militia for the sole and express purpose of fighting their neighbours in the event of their endeavouring to bring them under French subjection.

Many reasons, it is true combine to give rise to this extraordinary state of things. Englishmen need not flatter themselves that the affection of the people of Guernsey and Jersey is entirely sentimental. The islanders are well aware that two things would be almost sure to ensue on their becoming French subjects: one, the conscription, the other, the cessation of free-trade. It is true, that by the theory of their law, they are subject to a conscription; but it is only the obligation to arm a percentage of the population in the militia, and a similar proportion in the reserve, none of whom are expected to leave the island or to fight except in defence of their own homes. That is a very different thing from having to send the flower of your youth to fight in Algeria, in Madagascar, or in Tonquin. As to commerce, free-trade for the islanders is, and always has been, the air they breathe. They enjoy absolute freedom of trade; and their imports and exports are considerable for so small a population. The chief imports are wheat, flour, oats, coals, wine, brandy, and tea. The imports of wine and spirits into Jersey alone exceeded 270,000 gallons in 1883. In the same year Jersey exported nearly 47,000 tons of potatoes, close upon 2,000 head of cattle, over 19,000 cwt. of raw fruit, 1,347 cwt. of butter, and large quantities of vegetables, vinegar, and perfumes.

Besides the immunities to which they owe their commercial prosperity, the islands cling with tenacity to their legislative independence. By a mixture of law and custom, it has come to be the rule that no Act of the Imperial Parliament can apply to them, unless they are included by name in its application. Should this be the case, however, that would be but the first step towards the object. The Act must next be transmitted

for registration ; but even then objections may be heard ; nay cases have been known in which the local Attorney-General has been sent to London to explain to the Privy Council the objections of the island States. When all has been amicably settled, an order in Council passes ; and, the Act having been registered in the local legislature, finally becomes law in the island. Most of the laws, however, are enacted by the States themselves, or in Guernsey, by the Royal Court. These laws are of two kinds ; *viz.*, ordinances sanctioned by the Lieutenant-Governor, which have effect only for three years ; and Acts to have permanent effect, which require the assent of the Crown.

If Romilly and Bentham were to come to the Channel Islands as a Law Commission, with Moses or Lycurgus for President, and Sir Henry Thring for Secretary, it is possible that the laws would be improved ; but it is certain that they would not be so agreeable to the people as the Quarter-Sessions regulations which they make for themselves.

That such an unscientific state of things has resulted in the densest and most prosperous population in the world, should "give pause" to the Poloniuses of orthodox politics. It seems that there is a good deal of human nature in the matter. The feelings of a community are, apparently, most friendly when least thwarted ; its welfare is best secured by leaving those chiefly concerned to provide for it themselves.

Yet, in all the long story of the islands, there is one more point clearly to be seen. They have not been usually disposed, as they have never been allowed, to make themselves inconvenient to the powerful Empire of which they have formed an almost infinitesimal part. On one momentous occasion an English ruler, who was accustomed to stand no nonsense, had to put down his foot as firmly with the Islands of the Norman Coast as he did with the larger island of St. George's Channel. Oliver Cromwell, in 1651, had to conquer Jersey and so much of Guernsey as was hostile The War of the Rebellion forms, indeed, a most instructive episode from this point of view. Guernsey, as a whole, sided with the Parliament ; but the port that stands at the entrance of the roads at St. Peter Port, the chief town of the island, held out for the King under Sir Peter Osborne. In Jersey the influence of the predominant Norman family of Carteret secured the whole island for the King, though in the teeth of a strong minority. Charles II twice found refuge there, once as Prince of Wales, after the battle of Naseby, a second time after his father's death, when titular sovereign. His cousins, Rupert and Maurice assisting with a flotilla, Jersey became a nest of privateers who preyed upon English commerce. At last, in 1651

after Charles had left the second time, the Parliament found leisure to attend to this rather tiresome than dangerous affair. Admiral Blake was sent into the channel with a squadron conveying a small division of infantry under Major General Haines. A landing was effected on the west coast of Jersey, in spite of a stubborn resistance by the Royal Lieutenant Governors. Sir George de Carteret boldly, though ineffectually, charged the Parliamentary forces with a small body of horse, and when beaten, fell back in good order on St. Helier, the chief town. There he threw himself into the castle that guards the harbour, and defended it obstinately with a handful of men. Haines, like a good soldier, took possssion of the "Town Hill," on which modern military science has placed Fort Regent, the principal barrack of the present day. Even with the defective artillery of the seventeenth century, this hill was found to command the castle. Haines could, indeed, do but little damage with his field pieces; but he managed to procure two powerful mortars, with which he succeeded better. He opened an effective caronade, one shot exploding in Carteret's magazine, and causing the death of forty men. Under such circumstances Carteret ultimately capitulated: and the fleet proceeding to Guernsey, reduced Castle Cornet, which was defended first by the Lieutenant-Governor Sir Peter Osborne, then by a drunken but valorous old salt named Sir Baldwin Wake, and ultimately by Colonel Roger Burgess; the whole siege lasting nine years. Burgess obtained a payment of £1,500, and all the honors of war, for himself and his comrades.

This passing glance has been enough to show that England's tenderness for the Channel Islands has not been always mere weakness. But, so long as they are not troublesome, the islands have never been interfered with. A crucial instance was presented in our own times. When Sir William Napier was Lieutenant-Governor of Guernsey, his martial yet scientific spirit was greatly exercised by the clumsy character of the administrative and judicial machinery. A court of twelve magistrates, elected by a sort of caucus, formed at once the judicial bench and the supreme junto. Popular will was ignored, or taken for granted. The Royal Court introduced bills as a Cabinet, passed them as a Chamber, ratified them as a Convention. Its members sate individually to receive charges, (acting as coroners also) and then collected to try their own committals. At last this anomalous body of parochial oligarchs ventured to lay hands on the sacred person of a British soldier. The spirit of Sir William burst into flame. Armed with a Home Office warrant—— for the writ of *habeas corpus* did not run on the island—he presented himself at the prison gate surrounded by his staff, and demanded the

immediate release of the incarcerated Tommy Atkins. The jailor—a petty shopkeeper of the town—was equal to the occasion. Firmly but respectfully he submitted to the exasperated warrior that, having received the soldier under a warrant of the Royal Court, he could only release him on an endorsement or new warrant by the same authority. The Governor threatened force and ordered a field-piece to be brought down and directed against the doors of the jail. The heroic jailor felt that he had done enough. Declining to argue further with the master of the legions, he delivered up the keys of the prison. Of course the Court was indignant. The public spirit of the Guernsey men flamed as high on their side as had the General's on the other: and the hero who had never quailed before the French in the Peninsula, now affected to go in fear of the Guernsey militia, and requested that regular troops might be sent over for his protection, and sweeping reforms introduced into the recalcitrant island.

It is all over now. The Peninsular hero is gathered to his rest, safe from the wrath of the Normans of Guernsey: and they, for their part, have preserved their anomalous institutions and their rusty but cherished privileges, untouched by Napierian reform. But the same moral emerges again. Do not waste time in trying to force reforms and blessings upon people who desire none of them, and only ask to be let alone as long as they do no harm to the Empire.

If we were called on to account for the wide difference between the condition of Ireland and that of the Channel Islands, it would only be a part of the explanation to say, that one had Home-Rule, and the other had not. Because, being both under the same Crown, and both under the Norman form of the feudal system, it is not plain, on the first view, why the Home-Rule that has worked so well in the one, should have been witheld from the other. Perhaps one cause of the difference is to be sought in the ineradicable meanness of human nature, hard to the weak, and weak to the hard. The Irish were conquered; their lands were given to aliens, their law was uprooted, their religion persecuted. Normandy, to which the Islands then belonged—conquered us; and when the mainland gravitated to France, the Kings of England were, as the phrase runs, "only too glad" to let them preserve their time-honoured institutions. Such is man!

It is not until considerable historical study has been pursued that one learns to appreciate, at its exact value, the relation of the Channel Islands to Great Britain. There is nothing like them, either in the Empire or in the world. They are not colonies, they are not dependencies. They are not mere outlying coigns of vantage on foreign shores, like Malta,

Gibraltar or Heligoland. The nearest resemblance to them is, what Hanover was up to the death of William IV. It is not even certain what is Her Majesty's real rank and title there. In India she is Empress, in Great Britain and Ireland she is Queen, in the Transvaal she is called "Suzerain." In the Channel Islands she is loyally regarded as sovereign, and is duly represented by a couple of Lieutenant-Governors and a couple of Bailiffs—the latter, not hook-nosed men who run after those who have outrun the constable, but grave gentleman in red robes, and generally, bearers of the honour of knighthood.* But she does not rule as a Parliamentary, constitutional, or limited monarch, but as representative of Rolls, and Robert-the-Devil, and the ancient Dukes of Normandy who conquered England more than eight hundred years ago. Her laws (Norman or local) are administered by the Bailiff and Jurats; her prerogative is guarded by the Lieutenant-Governor; if she has occasion to make a special exercise of authority, it is by an Order in Council. The Royal Assent is also required to all laws that are of more than three year's operation. The very arms of the islands differ from those of the empire. Though the lion and the unicorn, the thistle and the harp may be placed by courtesy over some of the public buildings, the usual blazon and great seal of the islands—conferred by Edward I—consists of nothing but the three lions passant which were the ancient cognisance of Norman England.† All public business is conducted in French, there is even a French prayer-book in use in the Churches; nor do these peculiarities stop here. With very few modern modifications the feudal system still prevails. The names of mitred abbots are still called over at the Chief Pleas and the *Cour d' Héritage;* the Lords of the Manors are styled Seigneurs, and still hold their feudal Courts; the lands though belonging in most respects to the farmers by whom they are cultivated, are held on feudal tenures, and are subject to feudal services and reliefs. Nay, the right of derelict, which in England is vested in the Crown, still accrues to the Seigneurs of the Islands; and if any of the subsidences of old geologic times were to throw up one of the submerged forests which lie in the shallow seas around Guernsey or Jersey, that land

* "*Ballions,*" says Spelman, "*apud Gallos splendidus Magistratus est. Apud nos.... plenumque minister infimus.*" According to Lettré, the French Baliff was an officer of the sword. Naval history tells of the deeds of the Bailli de Saffrein in the last century.

† It is said that these arms were taken by Henry II when he married the Princess of Aquitaine, and joined the one lion of that province to the two which were then borne by Normandy. Thierry is certainly wrong in saying that three lions were the bearing of Normandy at the date of the Conquest.

would belong to the Lord-of-the-Manor on whose boundary it abutted, and not to the Crown!

The total area of the Channel Islands is a little under eighty square miles, and the population, though proportionally large, is apparently tending towards decrease. It is, however, still about eighty-eight thousand, or 1,100 per square mile—nearly two per acre—which is probably the densest in existence. Of this, it should be remembered, a large fraction consists of more or less permanent visitors; it being estimated that in Jersey alone, there are some 10,000 English and 2,000 French. The proximity indeed of this island to the French coast, and the facility of language, make it a favourite refuge for those whom the somewhat frequent vicissitudes of French affairs from time to time expatriate. During the Empire, the great poet Victor Hugo found an asylum first in Jersey and afterwards in Guernsey; and the fruits of his exile were the *Travailleurs de la Mer*—with its improbable plot and splendid bursts of eloquent description—and a work on the islands by his son, entitled *La Normandie Inconnue*. The latest refugees have been the Jesuits, who have installed themselves in the fine house and grounds designed for, and sometime used as "the Imperial Hotel." M. Hugo's republican sentiments are said to have rendered him so unpopular with the royalist people of Jersey, that he found it convenient to migrate to Guernsey, where he has left a more pleasant memory. His residence there was marked by general affability and hospitality, and especially by active benevolence to the children of the poor.

Except, however, as an asylum, the Islands—as already stated—are warmly Anti-Gallican. What the future may have in store no one, who knows the chances and changes of human affairs, would care to predict. But in looking at the treacherous rocks and fog-haunted, current-vexed seas, with their tidal rise and fall of nearly fifty feet, one cannot but feel thankfully sure that these little oases of English loyalty are never likely to be lost—until at least they themselves should wish it. A little above a century ago a French officer, planning a winter attack on Jersey, based his hopes of success on the fact that no Frenchman would be considered capable of navigating the channel at that season. "They think us," he wrote to a friend before finally setting sail, "they think us engaged in making presents to our mistresses or dancing at the opera-ball. For it is supposed to be a law, that no Frenchman will go to sea in the month of January." And, truly, the islands, if only decently assisted and guarded by their big sister and true to themselves, would seem to have little to fear from a nation—however brave and enterprising—so essentially unmaritime as our good neighbours; where every one on board

a vessel is liable to suffer on the first day or two of a voyage, from Vice-Admiral the Vicomte de Beaupré to little Goudron the *Mousse.*

Be this as it may, the Islands are a most valuable outwork, full use of which has yet to be made. Jersey is surrounded with Martello towers, but they are dismantled and useless. On the east and north of the island are bays both wide and deep, but there has not been much done to make them available as harbours for men-of-war. The works at Alderney, after costing vast sums of money, are understood to be a failure, and the harbour of S. Helier can only be entered at high water.

The physical peculiarities of the Channel Islands have had much share in the preservation of their independence. They are due to their consisting chiefly of primitive rocks, with veins of softer matter interposed. Hence the sea makes partial inroads, while elsewhere the rock holds good. The enormous tidal waves and violent storms of the region, have shaped the higher coasts into bays and headlands, while rock-strewn bottoms give the lower lands the protection of a most intricate navigation. The gulf stream washes its warmth on all the shores, aided by the sea breezes which blow, for a greater part of the year from the west, over the wide Atlantic. Hence the mean temperature is from two to four degrees higher than that of Greenwich, Jersey being warmer than Guernsey. The soil is of prodigious fertility, especially favourable to pasturage. The small cows, for which all the islands are famous, are easily fed, and yield a prodigious amount of milk of great richness; over 16 lbs. of butter being sometimes obtained from a single cow in a week. Jersey also possesses a good breed of small horses, bearing traces of Cossack blood derived from some Russian cavalry who were stationed there early in the current century.

Small as the islands are, it would be the labour of a lifetime to learn all that they have to teach. The researches of Ansted and G. H. Lewes have done much to exhibit their resources to the geologist and the general student of natural history. The old castles, manor houses, and churches are full of antiquarian value, and have yet to be duly described. The parish church of S. Brelade in Jersey dates from the times of the Normans, A.D. 1,111, and therei sa chapel hard by, which must have been ancient when that church was built. Older yet are the cromlechs, of which in Jersey alone about a hundred have been discovered, often covered over with earth hastily thrown up, perhaps to protect them from discovery. Though there are no streams of importance, the valleys, and little nooks of beach in which they often terminate, teem with ferns

and wild flowers. There is hardly anything that will not grow in the fertile soil and temperate air. The yield of wheat and potatoes per acre largely exceed that of the best English soils; while cane and arrowroot, maize and capsicums, camellias and oleanders flourish as well as they do in India, if not better.

But when all this has been said, the human interest remains paramount. What were the earliest inhabitants can be only conjectured; probably they were Keltic and even pro-Kettic, so far as can be judged by the aid of the evidence of the oldest monuments.* By the time of Charles the Simple, when the province of Neustria was ceded to Rolf Ganger, the islands had become incorporated with that part of the Frankish Empire and, of course, had long become Christian. Rolf, who was baptised and married and crowned all at once—took an oath to respect the institutions and laws of his new Duchy. What these were may be taken as pretty well known, though—so far at least as the islands are concerned—there is, of those days, no authentic record. The laws were a combination of the Roman code with that of the Salian Franks. The principal institutions were rural cantons, townships, &c., under their own local officers; with a system of clientship by which the various groups of rural families in these communes put themselves under the protection of Norman military magnates in their neighbourhood. The conquest of England by these same Normans in the ensuing century generally resulted in making a Norman Baron lord of a whole parish which became his manor. But that did not happen in the Islands, because, no doubt, of their less complete subjugation. And hence, as will be more fully shewn hereafter, the communes (under the name of parishes) and their proprietory groups, retained a good deal of their independence, though subject to seigneurial rights.

So matters continued till the days of the sons of William the Conqueror. For a short space the Duchy became separate under Robert Courthose; but when he was defeated at the battle of Tenchebraie and sent into his life-long imprisonment at Cardiff, the duchy was reunited to England. In the reign of John, Normandy, of the mainland, fell into the arms of France, but the alienation did not extend to the islands.

It was observed above that England had not necessarily been weak in her indulgence to the Islands. It is, nevertheless, remarkable that the English rulers who have shown the greatest interest in these small fragments of their dominions,

* Some few Keltic words still linger. A cromleeh is called, by the people of Jersey *pouquelaye*—q. d. "fairies' stone";—in both islands a tumulus, or mound, bears the name of *poque or houque.*

have not generally been the strongest monarchs: notably Henry III, Edward II, Richard II, Henry VI., James I., and Charles II.

Canon Falle—whose *History*, though quite devoid of scientific accuracy, is still the classical work upon the subject of the larger island—endeavours to account for the fact, that the islands did not follow the fortunes of the mainland Duchy. The Normans of the mainland, he thinks, had been disgusted by John's injustice and cruelty towards his nephew Arthur, who was the lawful heir. But the islanders, according to this writer, from a better acquaintance with the English, "had contracted a strong liking and inclination to them and their manners." Whether or no we are to accept this unwonted compliment, the fact remains that, from that day to this, the islanders have warmly cherished the English connection, in spite of many temptations: and it has been asserted by a recent writer,* that among the common people to this day, it is the strongest reproach that they can utter to a Frenchman to say to him:—"Tu es un Normand." Falle goes on to state that Philip Augustus made two attempts to conquer the islands, in both of which he was promptly and signally worsted. To this may be added the comment of Falle's editor, Mr. Durell, that the islands were too poor, and of two little apparent value, to justify Philip Augustus in taking any very strong or expensive steps for their subjugation.

John is credited with peculiar exertions on behalf of the islands, with having visited Jersey, and with having given them a Charter which is the foundation of their laws, liberties, and institutions. But modern research has reduced all this into the domain of mythology. No great exertions are shown to have been necessary; the contemporary records give no color to the supposed visit of John; and not only is his Charter apocryphal, but there is evidence that the laws, &c., of the islands are of far earlier date than the reign of John. Still, it may be, that something was then done which forms the unknown foundation of the tradition.

In Henry III we have a firmer figure. His commission to a Governor is still extant, charging the Governor with the maintenance of the old liberties. Under Edward II, two Royal Commissioners were sent to the islands, on whose report recognition was made of the local rights, as dating from time immemorial.

Under Edward III, the islands were exposed to serious hostilities from France. A private document, first brought to light by Mr. Payne (though dating from 1624), sets forth

* Mr. J. Bertrand Payne, *Armorial of Jersey*, 1862.

that in 1338 Guernsey—which had lately been the scene of a popular sedition—fell into the hands of the French, and was again in their hands in 1344. It was delivered by a local leader, named Jean de la Marche-de-bas, aided by a force of volunteers from Jersey: which island had in her turn to undergo attack. In Sir Robert Cotton's *Abridgement of the Records* is found a parliamentary recommendation of the islands to the special care of the Crown; and they were excluded by name from the French possessions of England ceded by the Treaty of Bretigny. This is the only sense in which the Geography book's assertion about "our French possessions" can have any foundation. But the islands, as has been clearly shown, were never French. When the Black Prince became incapacitated for warfare, and his father by age and sloth, the French Government became agressors in their turn. In 1372-73 an attack was made upon Guernsey which Froissart states to have been under the command of a Welsh Prince in the service of France; and about the same date must be assigned to the siege of the Castle of Gorey, in Jersey, then the chief place of that island. But the naval activity and skill of the English ultimately rendered both these attempts abortive; and the islands retained their English allegiance. They continued unmolested down to the troubled reign of the imbecile, and often insane, son of the illustrious victor of Agincourt. The Queen of England, seeking the aid of the French King, her kinsman, caused Gorey Castle to be ceded to a force sent to Jersey by the Count de Mantiorier; and this officer soon after crossed over from England, and setting himself forth as "Lord of the Isles," occupied the Eastern half of the island. But the other half held out under Sir Philip de Carteret, Seigneur of St. Onen; and in the next reign the French were expelled, after having held the six western parishes for some half a dozen years. This occurred in 1460, and a force of Guernseymen co-operated. The former charters were on this occasion solemnly renewed, and a special clause was inserted in commemoration of the loyal exertions of the islanders. From a charter granted to Guernsey by Henry VI, it appears that this unfortunate King took an interest in the islands, and renewed a declaration of Richard II., giving the people the full commercial immunities of English subjects.

Harliston, the English Admiral, by whose fleet the Jersey men had been helped to perform this honourable exploit, married his daughter to the son of De Carteret, and became Governor of the island. He lost his post in the following reign by going over to Flanders to join the Pretender Perkin, raised up there by the Duchess of Burgundy.

Henry VII, who had found refuge in Jersey, while still simple Earl of Richmond, makes an important figure in the annals of the Channel. It was this King who, inspired by personal observation, did away with a great source of weakness in island administration, by taking from the Governors the right of appointing the Bailiffs. Nominated by the Crown and holding office for life, these high officers have ever since that period shown a laudable independence, without which the liberties of the people might perhaps have been, by this time, lost. Henry also took from the Seigneurs the command of the local levies, which, in process of time, developed into the militia force which constitutes so remarkable a feature in local life.

Sir Hugh Vaughan, for the crime of not recognizing the independence of the local magistracy, came to sorrow in the next reign. He threatened the Bailiff, Helier de Carteret, with his sword in open Court. Vaughan was a creature of Wolsey's, but Carteret went to England, carried his case before Henry VIII, and procured an order of Council whereby the insolent Governor was recalled.

In the reign of Edward VI the French obtained possession of Sark, and attempted—though without success—to surprise Guernsey. They then turned their attention to Jersey, and attempted a landing in the Bay of Bonlay on the north of the island. But the people resisted with such courage, that the invaders had to return to their ships and sail home, with a loss that has been estimated at one thousand men. In the calamitous reign of Mary, Sark was recovered by a stratagem that has been related in Raleigh's *History of the World*. The island was evacuated by the French, and recolonised from Jersey, in the reign of Elizabeth. Raleigh himself was Governor in the last year of the reign.

The reign of James I was a period of tranquility for the islands. It is chiefly memorable for the preparation of a register of real property—set on foot by Raleigh—and for a first attempt at organising the militia on something like its present footing.

The final organisation of the force was completed in the reign of Charles II. by Sir Thomas Morgan, a valorous old soldier, who gave them their scarlet uniforms, and divided them into parochial regiments. Each *vingtaine* (originally a group of twenty families) formed a company, and a union of the companies from two or more parishes constituted a battalion, or regiment, of which there were five, officered by the local gentry. There were also two troops of horse, and a train of artillery. Similar dispositions were made soon after in the minor islands.

The titular government of Jersey afterwards became hereditary in the family of Jermyn; and, as these Governors were generally absentees, the office fell into the hands of Deputies, who have ultimately developed into Lieutenant-Governors. The office of Governor is now in abeyance and is not likely to be restored: though it would be a graceful concession to a proud and valiant people, if the title of "Warden of the Islands"—once held by the great Earl of Warwick—were made an honour for one of the Princes of the Blood.

It would swell this notice too much to narrate the history of the war of the Great Rebellion as it was reverberated on these remote rocks. The reformation of religion had taken deep root in both the principal islands. In Guernsey the people generally sided with the Parliament. In Jersey, the influence of the Carterets determined the aspect of affairs in the opposite way. After Haines had reduced Jersey, that officer for some time held the government of that island. The most prominent local influence fell into the hands of Michael Lemprière, Seigneur of Diélament, and it was nobly exercised: for he prevailed upon Cromwell to respect the rights of the people, and protected from spoliation the minor gentry who had sided with the Carterets. The French attempted to traffic upon the necessities of the Royalists, but met with no encouragement from the exiled King Charles II, according to Clarendon (who was at that period his minister and constant companion.) The historian, who lived and wrote two years in the island, assures us that the exiled King preferred that the islands should belong to Cromwell and not to France. Interesting instances of consideration for the islands during the Commonwealth are recorded. Thus in October 1654, they were purposely excluded from a "Redistribution Bill" for the reformed House of Commons, not out of contempt, but "because they are not governed by our laws but by municipal laws of their own." Again, in January 1656, it was resolved that the islands be left out of the Bill for Excise: "these isles" it was noted, "are poor and were never charged at any time, not so much as with customs." (From Burton's diary, quoted in Tupper's History of Guernsey, p. 318.) These indulgent views continued in the succeeding reign, and down to the present time: excepting that residents of the islands are charged with income-tax on income derived from British sources.

Two unsuccessful attempts on Jersey—the more famous one being under Rullecourt—marked the eighteenth century, during which period the astute islanders profited by their loyalty and waged incessant privateer warfare upon French commerce.

Such is a brief summary of the external policy of the

islanders for more than eight centuries; and it is a proof of good feeling on either side, when we find them manifesting their attachment to the English connection through such a long period. In order, in some measure at least, to account for the strength of that attachment, it would be necessary to enter into a far more minute explanation of all the stages in the progress of the connection than can fairly be expected to interest the general reader. But it may be permissible to refer to the great fact that underlies the whole story. Paradoxical as the assertion may appear, that fact is, that these fragments of the old feudal cradle of our Monarchy are the places in which the feudal principle, while most vital and enduring, has been the least oppressive.* England and Ireland were conquered by the Franco-Normans, and the feudal system was introduced into these countries by the power of the sword. The islands, on the other hand, were colonised without any such violence as to have left its traces. In Great Britain and Ireland, with the exception of lands held in *pankalmoigne*, for spiritual or charitable uses—all land at the Conquest became feudal, a tenure still represented by the existing landed system. Each parish, as a rule, became a manor; the people were not citizens of their own country; * the game laws were one among many assertions of rights not merely superior but exclusive. In all the British Islands allodial tenures disappeared, with the exception of Shetland and Orkney—at the time of the Conquest belonging to Denmark.

The Channel Islands remained in a mixed condition. The prevalence of the feudal system in all neighbouring countries was an influence sufficient to lead to the creation of fiefs. But the cantonal organisation which had previously existed, has never been disturbed, from that day to this. The manor was but a part of the parish: the lord's rights and "reliefs" were not made to clash with the rights of the subordinate proprietors: fiefs could be transmitted through females or sold to strangers; the subordinate estates remained inalienable, partible by a sort of gavelkind; the seigneurs waned, the peasant owners throve; all the worst parts of the feudal system (*droit d' engambage, droit de chasse*, power of death or imprisonment) disappeared by slow degrees. The payments

* It is the testimony of a native historian that Guernsey, especially, rose and flourished with the feudal system, and is now mainly dependent on its continuance." (Tupper, VI.)

† Shortly after the suppression of Wat Tyler's rising, the Parliament passed a bill to forbid the people of the country from sending their children to school, to the detriment, as they said "de tons les francs du royaume." To his credit, be it recorded, Richard II. refused his assent, and the English continued to educate their children.

to the seigneurs became a mere rent charge (like tithes) and can now be commuted for cash down.

Meanwhile the people in their parishes retained their local officers, independent of the seigneurs; the judges elected by them formed a Court, which took to itself all the more important judicial powers; the parish assembly, under the parish Mayor, exercised all needful "self-government." So happy an internal evolution has hardly occurred elsewhere; and one consequence has been, that the better, or more innocuous, parts of the feudal system, have continued to subsist down to the present day.

The Seigneurs are still known by the names of their fiefs. That is, probably, one sign of the system having originated before the general introduction of family names. It has even happened that the name of a fief, has become the name of a family, as in the case of the Guernsey family of De Saumarez, now represented in the British peerage: so the Seigneurs of St. Onen in Jersey bore the name of De-Carteret, from a fief on the mainland which they lost at the separation in the time of King John. But most frequently the title went with the estate; as it is said would happen to the purchaser of Arundel Castle in Sussex, were the Duke of Norfolk ever minded to sell it to a stranger. One result of the freedom of institutions in the Channel Islands is too remarkable to be overlooked in this connection. Armorial bearings became hereditary soon after the introduction of family names. Although there have never been any professional heralds in the islands, the Normans have kept up their genealogies and escutcheons; and pedigrees that would be the envy of three-fourths of the British peerage, together with names that have come down from the days of the Crusades, are to be found among the farmers and shopkeepers of both islands.

It may be objected that the parishes must have been of ecclesiastical origin, and that the liberties of the people have been preserved by the assistance of the clergy. That does not, however, seem to be the case. The Christian religion was introduced, it is true, by Irish and Breton Missionaries in the sixth century; and Oratories and Priories sprang up. But there is no Parish Church older than the twelfth century; prior to which communes or cantons, with municipal officers, are known to have existed. Evidently, therefore, the "parish" is no more than the religious aspect of the old township; and the ecclesiastical organisation is only to be regarded as the work of the Normans, like the feudal system which sits so lightly on the islands.

On the subject of religion one other remark has to be made. Down to the time of Queen Elizabeth the islands continued

subject to the spiritual jurisdiction of the Bishop of Oöntance in Normandy. But they—and especially is this the case with Guernsey—had willingly embraced the reformed tenents, and had given asylum to many Huguenot refugees from France imbued with Calvinistic tenets. Here was the stronge spectacle of an extremely Protestant community, under a Popish bishop, and a temporal sovereign who was so far unemancipated, as to object to the marriage of the clergy. The Queen, however, ordered that the islands should be included in the diocese of Winchester, to which they have ever since been subject. Edward VI had already given them a French version of the *Book of Common Prayer*. But the discipline and devotions of the people continued Calvinistic. James I. succeeded, with his high-flying ideas. Transactions ensued, and Anglicanism was made current, by a mixture of force and fraud. In Jersey the influence of the Carteret family, and of a Dean converted by preferment, united to make the transition easy. In Guernsey it was less successful ; and the fruits of this were seen in the next reign, when that island (from religious feelings rather than on political grounds) sided with the Puritan party and besieged the Royal Governor in Castle Cornet.

So much mention has been made of the family of Carteret that a few words, as to their history and long predominance, may not be unacceptable as an illustration of insular life and manners. We have seen that on the separation from Normandy, the family lost the mainland estate from which the name was derived, and contented itself with the small island-fief of St. Onen in Jersey. Through the middle ages the Carterets continued to be a masterful and patriotic race in the island spreading to adjacent possessions—Vincheley and Trinity—holding high local offices in addition to their feudal rights, and ever ready to defend the island against French aggression. In the reign of Charles I, Sir Philip de Carteret took the side of the Crown ; but that had the effect of throwing his many personal enemies into the opposite rank—which otherwise had little interest for them. He was cast into prison and very roughly treated, and he died in captivity in 1643. By his wife—daughter of the first Earl of Sandwich—he had among other issue a son, George, who was an officer in the Royal Navy. This gentleman, obtaining power after his father's death, turned the tables upon his enemies, some of whom he imprisoned, fined, and even tried for their lives ; the Dean, Dr. Bandinel being among them, lost his life in escaping from confinement. George de Carteret was knighted by the Prince of Wales about 1645, and raised to the peerage after the Restoration. He married a daughter of the Earl of Bath ; and their eldest son was the famous John, Earl of Granville, and Secretary of State under

George II, and also Lord Lieutenant of Ireland. After rising to such heights the main branch dwindled. The second Earl of Granville, and Seigneur of St. Onen, died without issue in 1776. The present Seigneur of St. Onen is only a Carteret by the female side, though he bears the name, after the fashion of the Percies, and other English houses.

As is but natural, a region so fortunate in its circumstances and condition has produced a large number of distinguished men. Besides the Carterets, Jersey can boast of several writers and divines, such as Falle, Lemprière and the Bandinels; and in our own times, of the great painters Ouless and Millais. Among Guernseymen, besides the famous Admiral Lord de Saumarez, may be mentioned Sir Edmund Andros, who after having been Governor of several American colonies, died in 1713 at an advanced age Lieutnant-Governor and Bailiff of his native island. A century later Major General Sir Isaac Brock, K.C.B., was Governor-General of Canada, where he fell in resisting an American invasion on the 13th October 1812. The celebrated scholar Dobree, Regius Professor of Greek at the University of Cambridge, and the scarcely less distinguished James Amiraux Jeremie, some time Dean of Lincoln, are high literary names, to which should be added that of Dr. John MacCulloch. One native of Jersey of recent times was not only a prominent commander of the Royal Naval forces, but actually, for a short time, held the position, of a crowned head. This was Admirald Aubigné, who assumed, by will of the last Prince, the Dukedom of Bouillon. His claims were disallowed in 1815, by the Congress of Vienna; but to the day of his death the Admiral was known among his fellow islanders as "His Serene Highness the Duke and Prince of Bouillon."

Among other recent island honours must be noticed the despatch of December 30, 1830; on which occasion Lord Melbourne was commanded by King William IV. to inform the States of the islands, that on the 6th of the ensuing month, "the fiteenth anniversary or jubilee of M. de Rullecourt's defeat," it was His Majesty's pleasure that the militia of the Anglo Norman isles should be made "Royal." On that occasion, their facings were altered to blue, and one of the officers in each island was appointed aide-de-camp to the King. Her present Majesty also visited the islands in the early part of the reign; and her flattering description is not the least interesting passage in her charming book.

Nor is loyalty the only advantage derived from Home Rule in the islands. Left to manage their own affairs, the people have made arrangements that secure their welfare in a remarkable degree. In spite of the abnormal density of population, the whole

are able to subsist, and in tolerable comfort. Even the poorest eat wholesome bread daily, pauperism is, among the natives, almost unknown, and so is crime. The two roots of this prosperity, springing from the ground of Self-government, are (*a*) the tenure of land; and (*b*) its divisibility.

The features may be thus briefly explained. A person desiring to take a farm, does not ask for a lease for a term of years. He enquires the market price of the land, and buys it on credit, subject to the payment of a proportion of the produce, which makes a sort of perpetual mortgage redeemable by agreement. Thus, if the land be valued at £1,200. it will be assessed at a permanent rental of 60 quarters of wheat, representing the interest @ 5 %, the quarter being worth twenty shillings.* The tenant will either engage to pay the value of these quarters yearly, at the current price of the period, or he will redeem the "quarters" mortgage by periodical instalments. On his failing to pay the quarters, the land is liable to resumption; subject to that liability is the tenant's property to alienate or bequeath, subject also to the island-law.

This law, on that, as in so many other points, presents a combination of feudal and commercial principles. If the property has been acquired, not inherited, the holder's right of disposition is freer; but, in the event of his not selling, bequeathing, or giving it away, the rule, whether it be ancestral or acquired, is the same. The right of primogeniture is so far recognised, that the eldest son is entitled to the homestead and a small demesne: the rest is parted among his brothers and sisters; and if he keeps it in his own possession, he must pay them the quarters at which it may be assessed by the parish officers.† In consequence of these arrangements, it results that as one of the island historians has well observed,—"the facility of obtaining a proprietory right in land without paying down the purchase money, is a strong incentive to habits of economy. . . It is this. . . that makes a Guernseyman that eminently careful, cautious, far-seeing person he is; while on the other hand, it is fair to conclude that the despair of prospective amelioration renders an Irishman imprudent, inconsiderate and reckless. . . Institutions based on justice require neither soldiery nor police. The citizen and the constable are identified. ["*History of Guernser*, by Jonathan Duncan, London, Longmans 1841.]

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* The value of the "quarter" fluctuates in Guernsey: in Jersey it has been fixed at 16*s.* a quarter. It is usual, in practice, to demand at hird of the (imaginary) purchase money as guarantee.

† There are in every parish in Jersey, officials whose duty it is to Superintend the division of real property."

ART. II.—LIVES OF THE TWELVE CÆSARS
AS WRITTEN BY A CONTEMPORARY.

SUETONIUS lifts the curtain from an awful picture. He tells an artless story of these first Emperors. We see, them in all their greatness, in all their littleness, and in all the depth of a depravity and diabolism in some of them, hardly conceivable to the modern world. It has been said, that were it not for the pages of Suetonius, we never could have known the depth to which Rome fell. Like the little room in the ruins of Pompeii, kept under lock and key, which, as a revelation of the depraved Roman world, is too obscene for the promiscuous eye, so the pages of Suetonius are fit rather for the restriction of lock and key, than to fall into the hands of every reader. Still, it is well for us that we have in these recitals the sad story of what humanity became, with all its art and culture, with its law and civilization, without moral restraint. If any one, with a pessimistic tinge in his nature, is inclined to think the world has gone backward, a few hours on these pages will cure him.

Suetonius, the son of a Roman knight, was born in the reign of Vespasian, whose life he has given among "the twelve." Living in the times of those Emperors, and being familiar with some of their companions and associates, he was able to give a faithful picture. He is very minute in his descriptions, and we see that we are following one who gives us information of what he saw or heard, or had from those immediately connected with the person or event. He takes us not only into the public courts of the Emperors, but even into the seclusion of their homes and into the privacy of their most secret conduct. He indulges our curiosity by exact details of personal appearance and habit, and by giving us interesting anecdotes of these men, for ever renowned in the world's history. We stand in their presence, we look on their visage, we listen to their jokes. Thus he says of Augustus, that "he ate sparingly, for I must not omit even this." He tells us that "in his old age he saw very imperfectly with his left eye. His teeth were thin set, and his hair a little curled." He describes the handwriting of Augustus, mentioning even the way he formed certain letters. Of a statement made about Claudius, he writes, "this I mention, that I may not be guilty of any omission." Some of his statements he gives as mere hearsay, "more than because I think it either true or probable." Thus he tells us that Vitellius "was not only a man

of insatiable appetite, but would gratify it likewise at unseasonable times and with any garbage that came in his way."

In reproducing from Suetonius some glimpses of these first Roman Emperors and their times, we may, to some extent, follow his method. Under separate paragraphs he tells us how each Emperor came to the throne, how he ruled, what his private life and character was, something of his physique, and how he died. What he did for each one separately may be done in a hasty, combined exhibit, grouping some of the characteristics and facts of each Emperor.

The historical reader will recall how the Roman republic, which had lasted nearly 500 years, wound up in an epoch of civil strife. Contending factions had almost ruined the State. Ambitious leaders were beginning to dream of grasping supreme power. The weary populace were in despair. They were ready for any arbitrary power that might bring rest and stability. Their masters were at hand to seize the reins of absolute power, never to be relaxed till Rome was swept away.

1. It is interesting to note how these men came into power, some by a *coup de main*, some by the will of the army which soon became the real master of Rome, and some by peaceable succession or by the assassin's arts. What are called the "twelve Cæsars," are, Julius Cæsar, Augustus, Tiberius, Caligula, Claudius, Nero, Galba, Otho, Vitellius, Vespasian, Titus, and Domitian. "Julius Cæsar, the Divine," was the first to grasp supreme power, "which indeed he coveted from the time of his youth." While Military Governor of Gaul, he aspired to the Consulship of Rome. It was proposed by Pompey, his rival, that he should lay down his command by a fixed time, and disband his army. He refused, and marched with an enthusiastic soldiery towards Rome, and after pausing some hours on the banks of the Rubicon, he exclaimed "the die is cast," and crossed. Pompey fled. Cæsar had himself appointed dictator, and was master of the greatest empire of antiquity. The spirit of the republic still lingered, and fearing the jealousy of various factions, he never accepted a crown, nor assumed an imperial title. Augustus was adopted by Julius Cæsar as his son, and naturally aspired to his place. After the assassination of Julius Cæsar, he soon crushed all rivals. Suetonius tells us that "he seized the Consulship in the twentieth year of his age, quartering his legions in a threatening manner near the city, and sending deputies to demand it in the name of the army." The Senate demurred, and a centurion of the deputation, showing the hilt of his sword said, "this will make him Consul, if you will not." The army was master of Rome, and Augustus ruled the army. Gradually the

forms of the republic passed away, and absolute power, in name and in fact, centered in Augustus, from whose reign the Roman Empire is dated. Suetonius tells us that "he twice entertained thoughts of restoring the republic."

Tiberius was appointed by Augustus as his successor. "He did not make the death of Augustus public, until he had taken off young Agrippa," a supposed rival. Caligula succeeded to the Empire by intrigue, and by the assassination of Tiberius. "He caused a pillow to be thrown upon him, squeezing him, at the same time, with his own hand." Claudius was put forward by the pretorian guards, being, as Suetonius tells us, "the first of the Cæsars who purchased the submission of the army with money." Nero, so famous for infamy, was adopted by his uncle Claudius. He was only seventeen years of age, we are told, when "he was unanimously saluted by the soldiers, as their Emperor." Galba, while Governor of Spain, was requested "to assert the rights of mankind, and put himself at their head, to relieve them from the tyranny of Nero." He raised the standard of revolt, and "putting himself, upon his march, in his general's cloak, and a dagger hanging from his neck before his breast, he did not resume the use of his toga, until all who opposed his advancement were put down." Otho, Governor of Lusitania, aspiring to the purple, Absolom-like, stole the hearts of the soldiery, and sent them to dispatch Galba. Vitellius also, a most depraved creature, and the last of the race proper of the Cæsars, was sent as military governor into Lower Germany. "Having killed all the common soldiers," with "the army disaffected and ripe for insurrection," he marched against Otho, who committed suicide. Vespasian, a brave general, was raised to the throne by the will of the army, after the assassination of Vitellius. Titus, son of Vespasian, succeeded to the purple in peace, the first to do so by hereditary right. On his death, his brother Domitian, who "was constantly engaged against his brother in plots," became emperor.

2. Some of these men were able generals. Julius Cæsar was a military genius of the highest order. Suetonius writes, "In eloquence and warlike achievements, he equalled at least, if he did not surpass, the greatest of men:" Again, "He was perfect in the use of arms, an accomplished rider, and able to endure fatigue beyond all belief." His dash and energy, according to our author, must have been wonderful. The historic phrase, "I came, I saw, I conquered," Suetonius tells us, did not so much signify "what was done, as the dispatch with which it was done." He writes: "On a march he used to go at the head of his troops, sometimes on horseback, but oftener on foot, with his head bare in all kinds of weather

He would travel post in a light carriage, without baggage, at the rate of a hundred miles a day, and if he was stopped by floods in the rivers, he swam across, or floated on skins inflated with wind, so that he often anticipated intelligence of his movements." He not only fought pitched battles, but made sudden attacks, when opportunity offered, at the end of a march, and sometimes during the most violent storms, when nobody could imagine he would stir. He never defeated the enemy without driving them out of their camp, and giving them no time to rally. He rode a remarkable horse, and broke him himself, as the horse would suffer no one else to mount him." He often rallied his troops when they were giving way, by his personal effort, seizing them by the throat, turned them toward the enemy." He fought in all parts of the Roman world with almost uniform success. His disasters were from storms, or in the defeat, sometimes, of his lieutenants. Where he commanded, the issue, excepting twice, was never doubtful. Once at Dyrachium, he was obliged to give ground, and Pompey not pursuing his advantage, he said, "Pompey knew not how to conquer."

He was devoted to his soldiers, but was a stern disciplinarian. "He loved his troops to such a degree, that when he heard of the defeat of those under Titurius, he neither cut his hair nor shaved his beard, until he had revenged it upon the enemy." "In his speeches he never addressed them by the title of 'soldiers,' but by the kinder phrase of 'fellow soldiers.'" "He never valued a soldier for his moral conduct or his means, but for his courage only, and treated his troops with a mixture of severity and indulgence. He was so strict a disciplinarian, that he would give no notice of a march or battle until the moment of action, in order that the troops might hold themselves in readiness. . . . Sometimes, giving them orders not to lose sight of him, he would suddenly depart, by day or by night, and lengthen the marches in order to tire them out as they followed him at a distance. . . . He never yielded to them when they were insubordinate, but constantly resisted their demands."

Augustus also was a great general. "He was engaged in five civil wars," in the last of which he crushed Mark Antony. In one battle he ran away, yet he was of a heroic temper, for Suetonius writes that in one fight "he performed the part not only of a general but a soldier, for in the heat of the battle, when the standard-bearer of his legion was wounded, he took the eagle upon his shoulder, and carried it a long time." Once, in the celebration of some games, an alarm was raised that the theatre was falling. Augustus "moved from his place and seated himself in that part of the theatre which

was thought to be exposed to most danger". . . . "In all his wars he never suffered any signal or ignominious defeat, except twice in Germany under his lieutenants. . . . He thought nothing more derogatory to the character of a general than precipitance and rashness." His mottoes were, "Hasten slowly," and "The cautious captain is better than the bold." He unified and distributed the army and fleet throughout the entire empire in a way that held the whole in his military grip. He was a strict disciplinarian. The cohorts which yielded ground in time of action, he decimated and fed with barley. Centurions and common soldiers, who deserted their posts when on guard, he punished with death. His theory of war was, that "it ought never to be undertaken unless the prospect of gain overbalances the fear of loss," otherwise it is to "fish with a golden hook, the loss of which, if the line should break, could never be compensated by all the fish they might take."

Tiberius conducted a number of successful campaigns in many and distant parts of the empire. Suetonius tells us that while warring for Augustus, that Emperor, "in several of his letters, extols him as a consummate general and the only security of the Roman people." As specimens of the bearing of Augustus toward Tiberius, we are furnished some passages from his letters: "Farewell! my most dear and most gallant man, and accomplished general." Tiberius was a rigid disciplinarian, degrading officers without mercy for unmilitary conduct. "Though it was his desire to leave as little as possible in the power of fortune or accident, yet he always engaged the enemy with more confidence, when in the night watches the lamp failed and went out of itself."

The beastly Caligula, although a son of the brave Germanicus, who was "possessed of all the noblest endowments of body and mind, in a higher degree than had ever fallen to the lot of any man," only once in his life took any part in military affairs, and then he made of it a complete farce. Craving military notoriety, "he resolved upon an expedition into Germany." Sometimes he marched in furious haste, sometimes, "slow and luxuriously," carried by eight men in a litter, with the roads swept and sprinkled before him. "On arriving at camp, in order to show himself an active general and rigid disciplinarian, he cashiered the lieutenants who came up late." He fought sham battles, and then wrote the people of Rome, reprimanding them, "for revelling and enjoying themselves whilst their Emperor was fighting and exposing himself to the greatest danger."

Claudius, his successor, without the least merit, aspired to military fame, and having undertaken only one expedition,

"without battles or bloodshed," returned to Rome and ordered a splendid triumph in honor of his deeds.

Vespasian was a fine warrior. He carried on splendid campaigns in widely distant parts of the Empire. He commanded a legion in Germany. In Britain, "he engaged the enemy in thirty several battles." A furious revolt of the Jews occurred in Judea, which defied the local authorities, and, "as the suppression of this revolt appeared to require a stronger force and an active general, Vespasian was chosen in preference to all others for his known activity." Arriving in the province, he engaged the rebels with great resolution, was wounded in the knee by the stroke of a stone, and "received several arrows in his shield." So little did he fear assassination, that he dropped the custom of searching those who came to salute him. He was a good disciplinarian. Suetonius writes in illustration of this, "that he might let slip no opportunity of reforming the discipline of the army, upon a young man's coming, much perfumed, to return thanks for his having appointed him to command a squadron of horse, he turned away his head in disgust, and giving him this sharp reprimand,—— 'I had rather you had smelled of garlic,' revoked his commission."

Titus was a worthy son of his heroic father Vespasian He was "gifted with a capacity for all the arts of peace and war," and was "perfect master of the use of arms and of riding." . . . He filled with distinction the rank of military tribune, both in Germany and Britain, in which he conducted himself with the utmost activity, and no less modesty and reputation." He is noted in history for completing the reduction of the great revolt in Judea, from which his father had been called to the throne. He was noted for great personal bravery. In one of his battles in this war, his horse was killed under him, and he slew one of the enemy and mounted his horse. "In the final assault of Jerusalem, he slew seven of the defenders with the like number of arrows." An incident occurring when he was Emperor, illustrates his coolness and nerve.

Two men of patrician rank aspired to the Empire, and doubtless were prepared to use the assassin's methods. "He not only invited them to sup with him, but the next day at a show of the gladiators, purposely placed them close by him, and handed to them the arms of combatants for inspection.

3. It is interesting to note the character of these men as rulers. While Suetonius does not write as a politician, he indicates how these Emperors ruled. A selfish and unbounded ambition, in most cases, prompted them to seek the supreme power, yet generally at the beginning of their reign, they affected great modesty and loyalty to the people. "I am Cæsar and

no king," he once said when saluted by that title. Augustus conveyed the impression that he was inclined to restore the republic. Claudius declined the title of Emperor, and refused all excessive honors. He affected to abhor the title of lord. Tiberius was in "his behaviour at first unassuming, and he did not carry himself much above the level of a private person." He would interrupt a compliment paid him, and reprimand the person and make him alter it. Being once called 'lord' by some person, he desired that he might no more be affronted in that manner." Even the mad and infamous Nero "when the Senate returned him their thanks for his good government, replied to them, 'it will be time enough to do so when I have deserved them.'" All this seems strange in view of later developments. In the beginning of their reign they strove to conciliate and please the populace. Even the execrable Caligula, whose highest ambition in the end was diabolical cruelty, at first inflamed the devotion of the populace, "by practising all the arts of popularity." These arts, with many of the emperors, consisted largely of largesses of grain and food, and games and spectacles, at the circus and the theatre, with its bloody gladiatorial shows and fights with wild beasts. This practice culminated in the building of that marvellous theatre, the Colosseum, capable of seating 87,000 persons, the population of a large city. Titus "entertained the people with magnificent and costly spectacles, in one day bringing into the theatre, 5,000 wild beasts." The people became passionately fond of these shows and clamoured for them.

Our author tells us that Julius Cæsar, "was extremely assidious and strict in the administration of justice." He aimed at correcting abuses and regulating the Commonwealth. His calendar alone would render him immortal. Suetonius informs us that "his thoughts were now fully employed from day to day on a variety of projects for the embellishment and improvement of the city, as well as for guarding and extending the bounds of the Empire." This remarkable genius, while a mighty warrior, had thus the capacity and aims of a great ruler and statesman.

From the length of his reign and the greatness of his work, among the twelve Cæsars, Augustus is *facile princeps*. He was a sovereign of great energy. "The more important provinces, which could not with safety be entrusted to the government of magistrates, he reserved for his own administration." He visited almost all the provinces in person. The empire under him reached its greatest limits. He reigned with great dignity, affability, and clemency. Suetonius says that he received the petitions of those who approached him with great kindness. He once jocosely rebuked a man by telling him, "you

present your memorial with as much hesitation as if you were offering money to an elephant" "He was assiduous in his functions as a judge, and would sometimes prolong his sittings even into the night. If he was indisposed, his litter was placed before the tribunal, or he administered justice reclining on his couch at home, displaying always extreme attention." We are told that no one "was ever molested for his freedom of speech, although it was carried to the extent of insolence. He suffered himself to be summoned as a witness on trial, and not only to be questioned, but cross-examined, with the greatest patience." Augustus perfected the mode of taking the census, and for purposes of taxation extended it to "all the world," as we learn from Luke's gospel. He effected many fine public improvements. Suetonius writes that the city of Rome "was so much improved under his administration, that he boasted, not without reason, that he found it of brick and left it of marble." Augustus was immensely popular. Cities were built in his name, and "some Italian cities appointed the day on which he visited them, to be henceforth the beginning of their year."

Tiberius began his reign with trepidation. He said of the government and people "I have got a wolf by the ears." When recommended to load the provinces with taxes, he replied: "It is the part of a shepherd to shear, not flay his sheep." And yet he developed, in the end, a savage and tyrannical temper, and was hardly behind any of the most cruel and bloody of the monsters that scourged the Roman world. Suetonius writes that, "during the whole of his government, he never erected any noble edifice." This is the Tiberius mentioned in St. Luke's gospel as reigning when Pilate and Herod were Governors in Judea. The crucifixion took place in his reign.

Of the monster Caligula as a ruler, Suetonius has little good to say. He mentions that "he completed the works that were left unfinished by Tiberius, namely, the temple of Augustus and the theatre of Pompey." . . . "He began, likewise, the aqueduct from the neighbourhood of the Tiber . . . Thus far we have spoken of him as a prince. What remains to be said of him, bespeaks him rather a monster than a man." Claudius "completed some important public works, which, though not numerous, were very useful." He seems to have been more remarkable for an erratic and capricious judgment, and for a certain quaint temper, than for anything else. "In hearing and determining cases, he exhibited a strange inconsistency of temper, being at one time circumspect and sagacious, at another inconsiderate and rash, and sometimes frivolous, and like one out of his mind." The case is mentioned of a woman in a suit, denying that a certain man was her son.

Tibefius extorted the truth by ordering her to marry the young man. We are told that, "in a particular case, he delivered his sentence thus: 'I am in favor of those who have spoken the truth.'" When the death of a witness was mentioned as a reason for his non-appearance, he answered: "I think that is a sufficient excuse." Litigants sometimes took remarkable liberties before his tribunal. "An obscure Greek called out, 'you are an old fool.'" "A Roman knight upbraided him in very harsh terms, and threw his style and some books in his face with such violence, as to wound him severely in the cheek." This is the Claudius mentioned in the Acts of the Apostles as having banished the Jews from Rome.

Nero was in the line of a series of ruling monsters, whose unspeakable depravity could hardly admit of any good in their reign He planned, as we see, some fine public works, most notable of which was an imperial palace called the "Golden House," of which Suetonius gives a minute description. "The porch was so high, that there stood in it a colossal statue of himself, one hundred feet high." The building "had triple porticos a mile in length." Within its area were cornfields, vineyards, pastures and woods" "In parts, it was entirely overlaid with gold." The vaulted supper rooms, "inlaid with ivory, were made to revolve and scatter flowers, while they contained pipes which shed unguents on the guests. The chief banqueting room was circular, and revolved perpetually day and night, in imitation of the motion of the celestial bodies."

When this palace was dedicated, Nero said, that "he now had a dwelling fit for a man." He sunk the revenues of the Empire in "wild and enormous profusion," and resorted to crushing and outrageous means of raising revenue. This monster, as Suetonius tells us, "inflicted punishment on the Christians, a sort of people who held a new and impious superstition." Paul is supposed to have been among these victims. Revolts of subugated tribes began seriously to contract the empire in Nero's reign.

Of the short rule of Galba, Otho and Vitellius, but little good can be said. With the Flavian family a better *régime* came in. Vespasian, we are told, "made it his principal concern, during the whole of his government, first to restore order in the State, which had been almost ruined and was in a tottering condition, and then to improve it. He reformed the army, and rebuilt the capital, being "the foremost to put his hand to clearing the ground of the rubbish, and removed some of it on his own shoulder." In winter he arose before day break to begin his State business. He admitted his friends while he was completing his toilet with his own hands, that he might not lose time. His liberality in the

use of money to all ranks of people was excessive. He rejected labor saving machines saying, "suffer me to find maintenance for the poor people." He entertained company constantly at his table, and often in great state and very sumptuously, in order to promote trade." Our author gives him the highest praise for justice and the protection of the innocent. "It will scarcely be found that so much as one innocent person suffered in his reign, unless in his absence, and without his knowledge."

Titus perpetuated by only a short reign the worthy rule of his noble father. On account of certain harsh acts previous to his assuming the purple, Suetonius informs us that "scarcely ever any one came to the empire with a more odious character or more universally disliked. It was supposed that he would prove another Nero." Yet, in his reign, "he violated no private right, and if ever man refrained from injustice he did." He was active and scrupulous in the performance of his State duties. Suetonius writes that "once at supper, reflecting that he had done nothing for that day, he broke out in that remarkable and justly admired saying, 'my friends, I have lost a day.'" He was humane and benevolent toward the people. There happened, in his reign, a destructive eruption of Vesuvius, a three day's fire in Rome, and "a plague such as was scarcely ever known before." "Amidst these many great disasters, he not only manifested the concern which might be expected from a prince, but even the affection of a father for his children." He repaired the public buildings destroyed by fire in the city, with the ornaments of his palaces. Contrary to the bloody régime so common, "he would perish rather than prove the destruction of any man."

Domitian, the last of "the twelve," was a weak, bad, and cruel man. In the beginning of his reign he spent an hour a day, merely in catching flies and impaling them on a pin! Although a heartless tyrant, there was for a time a show of justice, according to our historian. "In the administration of justice, he was diligent and assiduous." But, in the end, "his cruelties were not only excessive, but subtle and unexpected." He became arrogant to the last degree. "When he dictated the form of a letter, he began—'Our Lord and God commands, so and so.'"

4. Not the least interesting glimpses of these emperors, are of their literary character, and patronage of the learning of the time. Julius Cæsar was an orator as well as a warrior and statesman. Suetonius writes that "in eloquence he equalled at least, if he did not surpass, the greatest of men." He tells us that the immortal Cicero, Cæsar's contemporary, "declares that he does not see that Cæsar was inferior to any one of

the famous orators. He had an elegant, splendid, noble and magnificent vein of eloquence." Suetonius writes that "in his delivery he is said to have had a shrill voice, and his action was animated but not ungraceful." Of his commentaries, known to every schoolboy of Latin, Suetonius tells us that Cicero speaks thus:—"They are plain, precise and elegant, without any affectation of rhetorical ornament. With respect to this work we have more reason to admire him than others, for they only know how well and correctly he has written, but we know how easily and quickly he did it." Other books and poems of Cæsar are mentioned, which have not come down to us. Two of these were "composed in his passage over the Alps," and one, a "work about the time of the battle of Munda." Pen and sword were wielded with equal facility, almost at the same moment, by this remarkable genius. Among his literary projects was one "to reduce the civil law to a reasonable compass, and out of the immense and undigested mass of statutes, to extract the best and most necessary parts into a few books; to make as large a collection as possible of works in the Greek and Latin languages for public use."

Augustus, "from early youth, devoted himself with great diligence and application to the study of eloquence and the other liberal arts. In the war of Modena, notwithstanding the weighty affairs in which he was engaged, he is said to have read, written, and declaimed every day." We are informed that in elocution "he delivered himself in a sweet and peculiar tone..... His chief object was to deliver his thoughts with all possible perspicuity." To Antony, whom "he charges with insanity, writing rather to make men stare, than to be understood," he wrote, by way of sarcasm..... "do you think that the empty bombast of Asiatic orators, is fit to be transfused into our language?" Augustus "composed many tracts in prose on many subjects. He likewise made some attempts at poetry."..... "He patronized the men of genius of that age in every possible way. He would hear them read their works with a great deal of patience and good nature." His was the golden age of Latin literature, when Cicero, Macænas, Sallust, Nepos, Livy, Virgil, Horace and Ovid flourished.

Tiberius applied himself with great diligence to the liberal arts, both Greek and Latin. In his Latin style, he affected to imitate Mesala Corvinus, but "rendered his style obscure by excessive affectation."..... "His principal study was the history of the fabulous ages, inquiring into its trifling details in a ridiculous manner, for he used to try the grammarians with such questions as these:—'Who was Hecuba's mother? What name did Achilles assume among the maidens? What was it that the Sirens used to sing?'"

Caligula, far from having any desire to cultivate literature, manifested a malignant dislike to men of letters. "He demolished the statues of several illustrious persons." . . . "He had thoughts, too, of suppressing Homer: "For why," said he, 'may not I do as Plato did before me, who excluded him from his Commonwealth.' He was likewise very near banishing the busts and the writings of Virgil and Livy from all libraries, censuring one of them as 'a man of no genius and very little learning,' and the other as 'a verbose and careless historian.'" His successor Claudius, must have been very stupid as a lad, for we read that when his mother "would upbraid any one with dullness, she said, he was as great a fool as her son Claudius." And yet, according to Suetonius, he "was not deficient in either eloquence or learning, as having applied himself very closely to the liberal sciences." Encouraged by Livy, the prince of Roman historians, "he attempted at an early age the composition of a history," and wrote two books. He wrote a history of the Empire, consisting of forty-two books, also a history of his own life, and a "Defence of Cicero." "He applied himself with no less attention to the study of Grecian literature. . . . On the tribunal he frequently quoted the verses of Homer. He wrote some histories likewise in Greek."

The infamous Nero "was instructed when a boy in the rudiments of almost all the liberal sciences." Among his instructors was the pious Seneca. "Having a turn for poetry, he composed verses both with pleasure and ease. He had likewise great taste for drawing and painting, as well as for moulding statues in plaster." Apparently, without much genius for it, he had a remarkable whim for music, vocal and instrumental. We read that "in his youth he was instructed in music." After assuming the purple, he began to practice singing, and playing on the harp. "Encouraged by his proficiency, though his voice was naturally neither loud nor clear, he was desirous of appearing upon the stage, frequently repeating among his friends a Greek proverb to this effect: 'that no one had any regard for music which they never heard.'" While Emperor, he contended for musical honors in Greece. We read that "for the preservation of his voice, he never addressed the soldiers but by messages, or with some person to deliver his speeches for him, when he thought fit to make his appearance among them. Nor did he ever do anything in jest or in earnest without a voice master standing by him, to caution him against overstraining his vocal organs, and to apply a handkerchief to his mouth when he did." His conceit of his attainments is amusing. "At Rome he was exceedingly proud of his singing." When told by an astrologer that he would

at last lose all and be deserted by the world, he replied, "an artist can live in any country." He repelled any imputation of defect in his performances, frequently asking those about him "if they knew any one who was a more accomplished musician?"

Suetonius writes, "there are some who say that he put to death the player Paris as a dangerous rival." In his last moments, just before he committed suicide, he frequently said, "what an artist is now about to perish!"

Vespasian, who had risen from obscurity, became a patron of learning. "He granted to the Latin and Greek professors of rhetoric, the yearly stipend of a hundred thousand sesterces (Rs. 10,000) each out of the exchequer." Pliny the elder, the greatest scholar of his age, was a favorite of Vespasian. The cruel Domitian, in earlier life, "affected a taste for poetry, insomuch that he rehearsed his performances in public, though it was an art he had formerly little cultivated, and which he afterwards despised and abandoned." In the beginning of his reign, he was a patron of learning. He restored, at a vast expense, libraries which had been burned down, "collecting manuscripts from all parts, and sending scribes to Alexandria, either to copy or correct them."

5. There is a natural curiosity to know something of the personal appearance and private life of noted persons. Suetonius gives many curious details and interesting glimpses of the Cæsars. The divine Julius "was tall, of fair complexion, round limbed, rather full-faced, with eyes black and piercing; he was so nice in the care of his person, that he kept the hair of his head closely cut and his face smoothly shaven....He was particular in his dress." ... "Many writers say that he liked his residence to be elegant and his entertainments sumptuous..... He carried about in his expeditions, tesselated and marble slabs for the floor of his tent... He would purchase at any cost, gems, statues, carved work, and pictures of eminent masters of antiquity..... He was so very exact in the management of his domestic affairs, both little and great, that he once threw a baker into prison for serving him with a finer sort of bread than his guests.... In regard to wine he was abstemious." In the matter of diet, we learn that he was not fastidious. In his private intercourse, "he always treated his friends with kindness."

In details about the private life of Augustus, our author is very specific, and we get intimately acquainted with the greatest of these Emperors. The paragraph on his person and dress is striking. "He was handsome and graceful through every period of his life; but he was negligent in his dress, and so careless about dressing his hair, that he usually had it done in great

haste by several barbers at a time. His beard he sometimes clipped and sometimes shaved, and either read or wrote during the operation. His countenance, either when discoursing or silent, was calm and serene. . . .His eyes were bright and piercing. . . .He was not a little pleased to see people, on his looking steadfastly at them, lower their countenance as if the sun shone in their eyes. . . .His teeth were thin set, small and scaly, his hair a little curled and inclined to a yellow color. His eyebrows met, his ears were small, and he had an acquiline nose. His complexion was betwixt brown and fair; his stature was low, though Julius Marathus, his freedman, says, he was five feet nine inches in height." We read that "his shoes were a little higher than common to make him appear taller than he was." He was abstemious in food and drink, "and commonly used a plain diet He was particularly fond of course bread, small fishes, new cheese made of cow's milk, and green figs. . . .He sometimes supped by himself before his company began, or after they had finished, and would not touch a morsel at table with his guests. . . . Instead of drinking, he used to take a piece of bread dipped in cold water, or a slice of cucumber or some leaves of letuce or a green sharp juicy apple." Suetonius gives us a most interesting glimpse of an imperial dining party. "At his table, which was always plentiful and elegant, he constantly entertained company. . . .He often came late to table and withdrew early, so that the company began supper before his arrival and continued at the table after his departure. His entertainments consisted of three entries, or at most of only six. But if his fare was moderate his courtesy was extreme. For those who were silent or talked only in whispers, he encouraged to join in the general conversation; and introduced buffoons and stage players, and even low performers from the circus, and very often intinerant humourists to enliven the company." Augustus was in the habit of gaming, "purely for his diversion, even when he was advanced in years." Suetonius quotes from the Emperor's letter to Tiberius: "I lost twenty thousand sesterces for my part; but then I was profusely generous in my play as I commonly am; for had I insisted upon the stakes which I declined, or kept what I gave away, I should have won about fifty thousand." At times he was fond of seclusion. "If at any time he wished to be perfectly retired and secure from interruption, he shut himself up in an apartment at the top of his house, or he went to some villa near the city. He seems to have enjoyed domestic life, and his affection for, and attention to, his children and grandchildren was marked. "In bringing up his daughter and granddaughters he accustomed them to domestic employments and even spinning. . . . He usually instructed his grandsons himself in

reading, swimming, and other rudiments of knowledge. . . . He never supped, but he had them sitting at the foot of his couch, nor ever travelled, but with them in a chariot, before him or riding beside him." We are glad to get a peep at the great Roman taking exercise. "After the civil wars were ended, he gave up riding and other military exercises in the Campus Martius, and took to playing at ball, or foot-ball, but soon after used no other exercise than that of going abroad in his litter or walking. Toward the end of his walk he would run, leaping wrapped up in a short cloak or cape. For amusement, he would sometimes angle, or play with dice, pebbles, or nuts, with little boys." Augustus was exact and methodical in his habits. "After supper he commonly withdrew to his study, a small closet where he sat late till he had put down in his diary all, or most of the remaining transactions of the day which he had not before registered. He was extremely precise in dating his letters, putting down the exact time of the day or night at which they were dispatched." He was not a good sleeper. "He never slept above seven hours at most, and that not without interruption; for he would wake three or four times during that time. If he could not fall asleep, as sometimes happened, he called for some one to read or tell stories to him, until he became drowsy, and then his sleep was usually protracted till after day break. He never liked to lie awake in the dark without somebody to sit by him."

Augustus was a chronic invalid. "In winter he was protected against the inclemency of the weather by a thick toga, four tunics, a shirt, a flannel stomacher, and swathings upon his legs and thighs. In summer he lay with the doors of his bed chamber open, and frequently in a piazza, refreshed by a bubbling fountain, and a person standing by to fan him. He could not bear even the winter sun, and at home never walked in the open air without a broad brimmed hat on his head. He carefully nourished his health against his many infirmities, avoiding chiefly the full use of the bath; but he was often rubbed with oil, and sweated in a stove; after which he was washed with tepid water."

Our author does not give us much of the private life of the debauched and odious Tiberius. We are told that "in person he was large and robust, broad in the shoulders and chest, and proportionable in the rest of his frame. . . .He was of fair complexion, and wore his hair so long behind, that it covered his neck. . . .He had a handsome face, but it was full of pimples. His eyes, which were large, had a wonderful faculty of seeing in the night time and in the dark for a short time only and immediately on awaking from sleep, but they soon grew dim again. He walked with his neck stiff and upright, generally

with a frowning countenance." We learn that he had the virtue of frugality, and to encourage this "by his own example, he would often have at his table victuals which had been served up the day before and were partly eaten, and a half boar, affirming, 'It has all the good bits that the whole had.'" But it seems that this virtue became a vice, for "he was so niggardly and covetous that he never allowed to his attendants, in his travels and expeditions, any salary but their diet only." For amusement he was in the habit of diverting himself with a snake, and he died from the effects of overheating, in encountering with a javelin a wild boar in the arena. Our author makes of him a most disgusting glutton. "He was always ready to eat and drink at any time and in any place. . . .He scarcely ever left the table until he had thoroughly crammed himself and drank to intoxication: and then he would immediately fall asleep, lying upon his back, with his mouth open. While in this condition a feather was put down his throat, to make him throw up the contents of his stomach." He was a capricious sleeper. "Upon composing himself to rest, his sleep was short, and he usually awoke before midnight; but he would sometimes sleep in the daytime, and that, even, when he was upon the tribunal; so that the advocates often found it difficult to awake him, though they raised their voices for that purpose." "He was fond of gaming, and published a book upon the subject. He even used to play as he rode in his chariot, having the tables so fitted, that the game was not disturbed by the motion of the carriage." Our author writes of a remarkable eccentricity of manner, which "people admired in him," an "indifference or unconcern, or to express it in Greek, his *meteoria* and *ablepsia*." He would invite noted persons to dine with him, who had died, or whom he had condemned to death.

Nero is pictured for us in a disgusting and repellant description, befitting the infamous character he has in history. "In stature he was a little below the common height; his skin was foul and spotted; his hair inclined to yellow; his eyes grey and dull, his neck was thick, his belly was prominent, his legs very slender, his constitution sound. . . .In his dress and the care of his person he was so careless, that he had his hair cut in rings, one above another; and when in Achaia, he let it grow long behind; and he generally appeared in public in the loose dress which he used at table, with a handkerchief about his neck, and without either girdle or shoes." Nero "had from childhood an extravagant passion for horses . . . In the beginning of his reign he used to amuse himself daily with chariots drawn by four horses, made of ivory, upon a table." He carried his craze for horses to such an extent, that he exhibited his skill and contended for prizes in the circus,

and in Greece, for honors in chariot-racing. "He had an insatiable desire to immortalize his name, and acquire a reputation that should last through all succeeding ages." He aimed at exceeding all men in the extravagance of his expenditures. "He thought there was no other use of riches or money than to squander them away profusely. . . .extolling those who lavished away and wasted all they possessed. . . . He never wore the same garment twice. He has been known to stake four hundred thousand sesterces (Rs. 40,000) at one throw of the dice. It was his custom to fish with a golden net, drawn by silken cords of purple and scarlet. It is said that he never travelled with less than a thousand baggage carts, the mules being shod with silver." He was excessively fond of the games and bloody shows of the amphitheatre, and was the inventor of many games and spectacles. We read that "he very seldom presided at the games, but used to view them reclining on a couch, at first through some narrow apertures, but afterwards with the *podium* (box) thrown quite open."

Suetonius writes but little of the person and private habits of Galba, Nero's successor. He informs us that, "in person he was of good size, bald before, with blue eyes, and an aquiline nose; and his hands and feet were so distorted with gout, that he could neither wear a shoe nor turn over the leaves of a book." He was possessed of great wealth. The Empress Livia, widow of Augustine, gave him a legacy of fifty millions of sesterces," about five millions of rupees. We read that before he became Emperor, 'he never went abroad so much as to take air, without a carriage attending him, in which there was a million of sesterces, Rs. 1,00,000 in gold." While "but a very young man," he kept up "an ancient custom" of having "his freedmen and slaves appear in a body, before him twice a day, morning and evening, to offer him their salutations." When he became Emperor, damaging stories of his parsimony were circulated among the people, "as that when a more sumptuous entertainment than usual was served up, he fetched a deep groan." Our author's estimate of him is, that he was "at one time more rigorous and frugal, at an other more lavish and negligent than became a prince who had been chosen by the people."

We get but a glimpse of the personal and private characteristics of Otho. "The person and appearance of Otho no way corresponded to the great spirit he displayed on this occasion; for he is said to have been of low stature, splay-footed, and bandy legged. He was somewhat bald. . . .He used to shave every day and rub his face with soaked bread, the use of which he began when the down first appeared upon his chin, to prevent his having any beard." Otho was succeeded

after a very brief reign, by Vitellius, of whose physique nothing is written, but other private details are given minutely. "He was not only a man of an insatiable appetite, but he would gratify it likewise at unseasonable times, and with any garbage that came in his way. . . At a sacrifice he would snatch from the fire flesh and cakes, and eat them on the spot. . . . He always made three meals a day, sometimes four: breakfast, dinner and supper, and a drunken revel after all. This load of victuals he could well enough bear, from a custom to which he had enured himself, of frequently vomiting." He gave and received entertainments of incredible extravagance. "None ever entertained him at less expense than four hundred thousand sesterces, (Rs. 1,00,000.) The most famous was a set entertainment given him by his brother, at which it is said there was served up no less than two thousand choice fishes and seven thousand birds." At one of his own feasts, in an immense dish, made for him, called "the shield of Minerva," there were tossed up together, the livers of char-fish, the brains of pheasants and peacocks, with the tongues of flamingos and the entrails of lampreys.

We have a full description of the noble Vespasian. "He was broad set, strong limbed, and his features gave the idea of a man straining himself. In consequence, one of the city wits, upon the Emperors desiring him 'to say something droll of himself,' facetiously, answered: 'I will, when you have done relieving your bowels.'" He was systematic in his manner of life, which was commonly this: "after he became Emperor he used to rise very early, often before daybreak. Having read over his letters, and the briefs of all the departments of the Government offices, he admitted his friends; and while they were paying him their compliments, he would put on his own shoes and dress himself with his own hands." "He enjoyed a state of good health, though he used no other means to preserve it, than repeated friction as much as he could bear, on his neck and other parts of his body, in the tennis court attached to the bath, besides fasting one day in every month." Suetonius writes that he was "deservedly blamable" for "his love of money," and yet he informs us that "his liberality, however, to all ranks of people, was excessive." We read that "he entertained company constantly at his table, and often in great state and very sumptuously. . . .At supper, and, indeed, at other times, he was extremely free and jocose. . . .They say that he was never more good-humoured and indulgent than at that time; and therefore his attendants always seized that opportunity when they had any favour to ask." Suetonius makes a good deal of the wit of Vespasian, and gives some instances of it, not fit to be reproduced in these pages. He

tells us that his humour was "of a low kind." We read that "not even when he was under immediate apprehension and peril of death, could he forbear jesting." When his death, "distemper" first seized him, he said, "I suppose I shall soon be a god," alluding to the frequent apotheosis of the Emperors. In his death agony he cried out, "an Emperor ought to die standing upright," and in endeavouring to rise, he expired in the hands of his friends.

Titus, son and successor of Vespasian, is described as having "a fine person, combining an equal mixture of majesty and grace; was very strong though not very tall, and somewhat corpulent." He became very popular with the people, whom he treated on all occasions with great courtesy. "He sometimes himself made use of the baths he had erected, without excluding the common people from them."

Domitian, his brother and successor, is described as "tall in stature, his face modest and very ruddy; he had large eyes, but was dim-sighted; naturally graceful in his person, particularly in his youth, excepting only, that his toes were bent somewhat inward. He was at last disfigured by baldness, corpulence, and the slenderness of his legs which were reduced by a long illness." He was vain of his face "He was so sensible, how much the modesty of his countenance recommended him, that he once made this boast to the Senate; 'thus far you have approved both of my disposition and my countenance.'" But, "his baldness so much annoyed him, that he considered it an affront to himself, if any other person was reproached with it, either in jest or in earnest; though in a small tract he published addressed to a friend 'concerning the preservation of the hair,' he used, for their mutual consolation, the words following:—

'Seest thou my graceful mien, my stately form.' And yet the fate of my hair awaits me. However, I bear with fortitude this loss of my hair, while I am still young, remembering that nothing is more facinating than beauty, but nothing of shorter duration." "When he had leisure, he amused himself with dice." But his greatest amusement was the bow. We read that "many persons have seen him often kill a hundred wild animals, of various kinds, at his Alban retreat, and fix his arrows in their heads with such dexterity, that he could, with two shots, plant them like a pair of horns in each. He would sometimes direct his arrows against the hand of a boy standing at a distance, and expanded as a mark with such precision, that they all passed between the boy's fingers."

Of his general manner of life, Suetonius writes: "He went to the bath early, and made a plentiful dinner, insomuch that he seldom ate more at supper than a Matian apple, to which he added a draught of wine, out of a small flask. He gave

frequent and splendid entertainments, but they were soon over, for he never prolonged them after sunset, and indulged in no revel after ; for till bed-time, he did nothing else but walk by himself in private." We read that he "frequently entertained the people with most magnificent and costly shows. . . . Nor did men only fight in these spectacles, but women also. . . . Whenever he attended these shows of gladiators, there stood at his feet a little boy dressed in scarlet with a prodigiously small head, with whom he used to talk very much and sometimes seriously." Domitian lived in constant dread of assassination, and not without reason, for thus he did perish.

6. Nothing special has yet been mentioned of the religious and moral character of these Emperors. The picture in the main, is a very dark one. Its possibility cannot be understood by the moral condition of the present age, but rather by the depravity and intense moral darkness of Rome two thousand years ago. The picture reveals the unmistakable moral progress of humanity. Many of these Emperors had but little regard for the ancestral religion. Julius Cæsar does not seem to have been much troubled with religious scruples. "He never was deterred from any enterprise, nor retarded in the prosecution of it, by religion." On one occasion, "when the soothsayer announced to him the unfavorable omen, that the entrails of a victim offered for sacrifice, were without a heart, he said, 'the entrails will be more favourable when I please.' We are told that "in Gaul he rifled the chapels and temples of the gods, which were filled with rich offerings." Again, "he afterwards supported the expense of the civil wars, and of his triumphs and spectacles, by the most flagrant rapine and sacrilege." He allowed divine honors to be paid to himself, and there were "temples, altars, statues among the gods, a bed of state in the temple, and a College of priests dedicated to himself like those of Pan." His general temper of mind seems to have been just and humane for his time. "The resentment he entertained against any one was never so implacable that he did not very willingly renounce it when opportunity offered." He was a born conspirator, and was swayed by a boundless ambition for fame. "He coveted," we have seen, "supreme power from the time of his youth." We find him engaged in plotting early in his career. He was involved in the notorious conspiracy of Catiline. Suetonius mentions instances of his free use of bribes, to accomplish his ends. It is a curious comment on the morality of those times, when Suetonius puts down as "the only stain upon his chastity," charges of sodomy, and yet he afterwards writes, "it is admitted by all that he was much addicted to women, as well as very expensive in his intrigues with them, and that he debauched many ladies

of the highest quality." "In the number of his mistresses, were also many queens. His greatest favourite was Cleopatra."

Augustus was a better character. He was a stricter religionist of his time. "He revived old religious customs, which had become obsolete." We read that he "paid the highest honors to the immortal gods. He melted down all the silver statues which had been erected to him, and converted the whole into tripods, which he consecrated to Palatine Apollo. . . . He always abhorred the title of *Lord*, as ill-omened and offensive." He was a scrupulous observer of "omens" and "signs." "If in the morning, his shoe was put on wrong, the left instead of the right, that boded some disaster." He was tolerant toward the foreign religions of the Empire. We are told that "his behaviour in general, was mild and conciliatory, but when occasion required it, he could be severe." He was deeply grieved at disgrace in his own family. Suetonius writes: "In his early youth, various aspersions of an infamous character were heaped upon him." But this, our author tells us, "he very easily refuted by the chastity of his life"; and yet he writes, "that he was guilty of various acts of adultery, is not denied, even by his friends." Again, "his amorous propensity never left him, and, as he grew older, as is reported, he was in the habit of debauching young girls, who were procured for him from all parts of the Empire, even by his own wife."

With Tiberius, the adopted son and successor of Augustus, began a series of awfully depraved and sanguinary tyrants, from whose vices and cruelty the mind recoils with horror. It is an apology for its partial portraiture, when it is stated that in this way, we can realize how much the moral life of the world has improved. We read of Tiberius that, "in regard to the gods and matters of religion, he discovered much indifference." However, this indifference to the ancestral religion did not save him from the most hostile bigotry to other religions. "He suppressed all foreign religions and the Egyptian and Jewish rites, obliging those who practiced that kind of superstition, to burn their vestments and all their sacred utensils." The Jews were "dismissed from the city, as well as those who were proselytes to that religion, under pain of slavery for life, unless they complied." It is supposed that Christians, too, are referred to in this passage. In earlier years Tiberius was sullen and reserved. Augustus said of him, as it was "generally believed," "Ah! unhappy Roman people, to be ground by the jaws of such a slow devourer." During his reign the turpitude and ferocity of his nature matured. He seemed to be without natural affection, and thus his nearest

relatives became his victims. We read that "he used often to say, 'happy Priam who survived all his children.'" Out of his numerous friends and eminent persons who assisted him in the Government, "scarcely two or three escaped the fury of his savage, disposition." And yet that monster, "took upon him the correction of the public morals, where they tended to decay, either through neglect or evil custom." We are prepared to read that "he was guilty of many barbarous actions, under pretence of strictness and reformation of manners, but more to gratify his own savage disposition." In the end "he abandoned himself to every species of cruelty." As an illustration among many, "a fisherman coming up to him unexpectedly, when he was desirous of privacy, and presenting him with a large mullet, he ordered the man's face to be scrubbed with the fish. The man while undergoing the punishment, expressing his joy that he had not likewise offered him a large crab which he had also taken, he ordered his face to be further lacerated with its claws." After a long and harrowing description in this line, Suetonius writes, "it would be tedious to relate all the numerous instances of his cruelty." Unoffending women and helpless children, were the common victims of his "savage temper." Added to this sanguinary disposition, was a beastly licentiousness. The last years of his reign were spent in an abominable retreat he had fitted up on the island of Capri. Here he was "attended at table by naked girls." He "assembled from all quarters, inventors" of unnatural lust. He had chambers filled with pictures and statues and books of the most lascivious kind, and amid all this he wallowed. After a long description, not fit for public print, Suetonius writes: "He was still more infamous, if possible, for an abomination, not fit to be mentioned, or heard, much less credited." It is no wonder that when this worse than beast died, "the people were so much elated at his death, that they ran up and down the city, some crying out, 'away with Tiberius to the Tiber'; others, 'may the earth, the common mother of mankind, and the infernal gods, allow him no abode in death but amongst the wicked.'"

And yet his successor Caligula was, if possible, more shockingly depraved. In the language of our author, his conduct "bespeaks him rather a monster than a man." The early part of his reign was so just and beneficial, that "a golden shield was decreed him" by the Senate, "and the youth of the nobility of both sexes, celebrated the praises of his virtue in song." But there came a sudden change in his conduct, and for the credit of humanity, one would fain think that the moral imbecility, and boundless depravity of this "monster," were due in some measure to insanity. He was void of

reverence and moral feeling. He ordered the famous gods of Greece to be brought to Rome, and their heads to be taken off and his own put on. "He instituted a temple and priests in honor of his own divinity. . . . In the day time he talked in private to Jupiter Capitolinus; one while, whispering to him, and another turning his ear to him: sometimes he spoke aloud and in railing language. . . . He was overheard to threaten the god." Yet he was possessed of a low cunning, and early in his reign practiced "all the arts of popularity." Later, his only thought seemed to be, to make himself dreaded. "His countenance, which was naturally hideous and frightful, he purposly rendered more so, forming it before a mirror into the most horrible contortions." "He had frequently in his mouth these words of the tragedian:—

'I scorn their hatred if they do but fear me.'"

We read that, "in his behaviour toward men of almost all ages, he discovered a degree of jealousy and malignity equal to that of his cruelty and pride." In this spirit he degraded "the noblest persons in the city." He would put persons to death for no other reason than that they were attracting attention. "As often as he met with handsome men who had fine heads of hair, he would order the backs of their heads to be shaved, to make them appear ridiculous. . . . There was no man of so abject or mean a condition, whose excellency in any kind he did not envy." But the demoniac savagery of his nature came out in a long list of sanguinary acts, too numerous and revolting to be detailed. Suetonius writes that when a young man, "he could not conceal his natural disposition to cruelty." Even then "he delighted in witnessing the infliction of punishment." His grandfather, the cruel Tiberius, said of him, that he was "rearing a hydra for the Roman people." Suetonius writes of his after life as, "this frantic and savage career." He attempted to massacre whole legions of soldiers, and kept long lists of eminent men doomed to cruel death. "He burned alive, in the centre of the amphitheatre, the writer of a farce for some witty verse which had a double meaning. . . . Sometimes shutting up the public granary, he would oblige people to starve for awhile." He would brand persons in the face "with a hot iron,"—"tie them neck and heels in the manner of beasts carried to the slaughter." "Even in the midst of his diversions, while gaming or feasting, this savage ferocity, both in his language and actions, never forsook him. . . . At Rome, in a public feast, a slave having stolen a thin plate of silver, with which the couches were inlaid, he delivered him immediately to an executioner, with orders to cut off his hands, and lead him round the guests with them hanging from his neck before his breast, and a label

signifying the cause of his punishment" "He generally prolonged the sufferings of his victims by causing them to be inflicted by slight and frequently repeated strokes; this being his well known and constant order: 'Strike so, that he may feel himself die.'" Even this incredible malignity is exceeded in the statement, that "he used also to complain aloud of the state of the times, because it was not rendered remarkable by any public calamity. . . . At times he wished for some terrible slaughter of his troops, a famine, a pestilence, a conflagration, or an earthquake." He manifested no regard for his relatives. "Ill usage," "indignities," "murders," &c., are the words used by Suetonius in describing his conduct toward them. It is remarkable, that conscious of his own cruel and savage spirit, he gloried in it. Suetonius writes that "he considered Julia Drusilla his own child, for no better reason than her savage temper, which was even such in her infancy, that she would attack with her nails the face and eyes of the children at play with her." He said of himself, "there is nothing in my nature I commend or approve so much as my inflexible rigor." At one of his feasts he fell into a fit of laughter, and when the reason was asked, replied, "nothing, but that on a single nod of mine you might have your throats cut." Again, "as often as he kissed the neck of his wife or mistress, he would say, "so beautiful a throat must be cut whenever I please."

The incredible bloodthirstiness of this ghoul, was equalled only by his loathsome licentiousness and debauchery. We read that when a young man, "he could not conceal his natural disposition to lewdness." Our author writes of him in later life: "He never had the least regard either to the chastity of his own person or that of others." "He lived in the habit of incest with all his sisters. . . And was even caught in the embraces of his grandmother Antonia." In a long list of beastly abominations, Suetonius states that, 'Besides his incest with his sisters. . . . there was hardly any lady of distinction with whom he did not make free." Naturally enough, as we are informed, "numbers had formed the design of cutting him off." When he was at last slain, as a detested and abominable beast, in the Senate, "some proposed to abolish the memory of the Cæsars, and level their temples with the ground." This pleasing incident in the Roman Senate, in an age when such unspeakable wickedness was possible, is one of the bright gleams, showing that there was still virtue in humanity.

Claudius, the brother of Caligula, was a weak and contemptible man. Augustus, his great uncle, wrote of him, "where his mind does not run astray, he discovers a noble disposition."

When he came to the purple, he manifested a capricious kind of justice, as we have seen in presenting him as a ruler. He showed some strictness "with regard to religious ceremonies," correcting and reviving practices, "which had been laid aside," and introducing some that were new. He was intolerant of other religions, for "he banished from Rome all the Jews, who were continually making disturbances, at the instigation of one Chrestus" (Christ.) We have seen that he was a gross glutton and drunkard. He revealed his kinship to Caligula, for we read "that his cruel and sanguinary disposition was exhibited upon great as well as trifling occasions." He was impatient to witness executions, which he had "performed in his own presence." He gloated over the gladiatorial combats, "and if any of the combatants chanced to fall, he ordered them to be butchered, that he might see their faces in the agonies of death."

Great as these diabolical excesses had been, they were to be greater in Nero, who stands in history, as the incarnation of all iniquity, a monster whom, as Suetonius writes, "the world tolerated for little less than fourteen years." The law of heredity finds a perfect illustration in Nero. His father was a sanguinary heartless villain. Suetonius calls him "a man of execrable character." "He killed a freedman of his own, for refusing to drink as much as he ordered. . . . He suddenly whipped his horse, and drove his chario on purpose over a poor boy, and crushed him to pieces. At Rome he struck out the eye of a Roman knight only for some free language in a dispute between them. . . . He was prosecuted for treason, adultery, incest." Nero's mother, Agrippina, was a cunning, plotting woman, charged with the grossest vices, and was suspected of poisoning her husband, the Emperor Claudius. When Nero's father was congratulated on the birth of his son, he said, "that nothing but what was detestable and pernicious to the public could ever be produced of him and Agrippina." So much for Nero's origin. Suetonius writes that "when he was yet a mere boy. . . . he betrayed the cruelty of his disposition in every way he could." He was entirely wanting in the religious sentiment. "He held all religious rites in contempt, except those of the Syrian goddess." "He rifled many temples of the rich offerings with which they were stored, and melted down all the gold and silver statues, and amongst them, those of the Penates." Unauspicious as his character was, he began his reign well. He declared "that he designed to govern according to the model of Augustus." But this did not last long. Soon his boundless insane extravagance led to frightful extortions to meet his demands. "Petulance, lewdness, luxury, avarice and cruelty, he practised at first with reserve and in

private. . . . After dark he used to enter the taverns disguised in a cap or wig, and wander about the streets in sport, which was not devoid of mischief. He beat those he met, and if they made resistance, would wound them and throw them into the common sewer. He robbed shops and ran the hazard of losing his life, being beaten almost to death by a senator for handling his wife indecently." But the brutal demon in him was not to be restrained. "His vices, gaining strength by degrees, he laid aside his jocular amusements and all disguise, breaking out into enormous crimes without the least attempt to conceal them." His record of blood is without a parallel in history. We read that "there was no person at all connected with him who escaped his deadly and unjust cruelty. . . .In some way he destroyed all who were allied to him, either by blood or marriage. . . . He began the practice of parricide with Claudius himself." This Emperor was his father-in-law, who had adopted him as his successor. He poisoned his brother-in-law Britanicus, "because he had a sweeter voice." He murdered his aunt. One wife Octavia, he put to death on a "charge, impudent and false." He killed another wife Poppaea, with a kick, "only because she found fault with him for returning late." He drowned his step son Crispinus, a lad, because he acted "amongst his playmates, the part of a general and emperor" His brutal murder of his mother is familiar history. He determined to get rid of her, because she "used to reprimand him with the freedom of a parent." "He deprived her of all honor. . . .Banished her. . . . Persecuted her in every way. . . . Employed persons to harrass her in her retirement with the most scurrilous and abusive language." He finally murdered her "with other circumstances still more horrible," which cannot be transferred to these pages. The only feeling this monster manifested, was something like remorse for this act. "He was never afterwards able to bear the sting of his own conscience for this atrocious act. . .He frequently affirmed that he was haunted by his mother's ghost and persecuted with the whips and burning torches of the furies. Nay, he even attempted by magical rites to bring up her ghost from below and soften her rage against him."

Suetonius writes, "nor did he proceed with less cruelty against those who were not of his family. . .He butchered without distinction or quarter, all whom his caprice suggested as objects for his cruelty, and upon the most frivolous pretences." He forced the amiable tutor of his boyhood, Seneca, to commit suicide. The causes or pretences of some of the deaths are so frivolous as to seem incredible. Suetonius writes that he put to death Paetus Thrastus on "the only charge that he had a melancholy cast of countenance." There was,

we are told, at Rome, "an Egyptian of a most voracious appetite who would digest raw flesh. It was credibly reported, that the Empepor was extremely desirous of furnishing him with living men to tear and devour." The fiendish cruelty he practised on the Christians is matter of familiar history., Suetonius merely writes: "He likewise inflicted punishment on the Christians, a sort of people who held a new and impious superstition;" but we learn from Tacitus that these "punishments" were the most cruel torture conceivable. The Christians were "dressed in the skins of wild animals, and were exposed to be torn to pieces by dogs in the public games, and they were crucified or condemned to be burnt: and at night-fall served in place of lamps to lighten the darkness, Nero's guarden being used for the spectacle." The climax of this awful blood-guiltiness is hinted at in certain "designs of a monstrous nature he had formed," which failed in part by his "despair of being able to effect them." He was intending "to send new governors and commanders to the provinces and armies, and employ assassins to butcher all the former governors and commanders. . . . To massacre the exiles in every quarter and all the Gaulish population in Rome. . . To abandon Gaul itself to be wasted by his armies; to poison the whole Senate at a feast; to fire the city and let loose the wild beasts upon the people, in order to impede their stopping the progress of the flames." This last he accomplished in large part, and the spirit that prompted this bloody tyrant comes out in his satanic boasting. Suetonius writes: "Elated with his great success in the perpetration of his crime, he declared, 'that no prince before himself ever knew the extent of his power.'" Again "somebody in conversation saying,— 'When I am dead, let fire devour the world.' 'Nay,' said he, 'let it be while I am living.'" The work was soon begun, and "with tow and torches," the Eternal City, with its "stately buildings," "spoils of war," "temples of gods. . . in short, everything that was remarkable and worthy to be seen," was "laid in ashes." This demon, Suetonius writes, "Beheld the fire from a tower in the house of Mecænas, 'being greatly delighted,' he said with the beautiful effects of the conflagration.'"

In addition to all, this monster was a debauchee of unbounded and abominable lewdness. Much that Suetonius writes, must be passed over: "His revels were prolonged from midday to midnight. . . He was waited on at table by common prostitutes of the town, and Syrian strumpets and glee girls." A common thing was his "debauch of married women." "He committed rape on a vestal virgin. . . .That he entertained an incestuous passion for his mother, was universally believed. . . . He defiled every part of his person with some unnatural pollution." We

are told that he was the inventor of abominable diversions. Even the depraved Roman world, "at length forsook him," and it is a relief to know, that he was hunted down like a hated evil beast, and destroyed. "The race of Cæsars," we are told, "became extinct in Nero." He had sounded the depths of all iniquity. In glancing at the moral character of the Emperors, we again find nothing so bad as Nero.

Not much is said of the short reign of Galba and Otho. The former seemed to shun the enormities of Nero, but was still guilty of blood, and was adicted to loathsome vices. In Vitellius we again meet the sanguinary despot. He had something of nearly all the vices of the preceding Emperors, under whom he had been employed. He had but little regard for religion, for, "he was said to pillage the temples of their gifts and ornaments." "He delighted in the infliction of punishment." He commanded one of his victims "to be slain in his presence, saying, 'I have a mind to feast my eyes.'" "He was suspected of being accessory to his mother's death." That he was capable of any enormity, is seen in the fact that in a revolt which occurred early in his reign, a party of his enemies took refuge in the capitol, "where he destroyed them all by setting fire to the temple of Jupiter." We may well understand that a man who was "upon a very intimate footing with Caligula," and was "in still higher degree acceptable to Nero," could easily be "scandalously vicious." He was, withal, a loathsome glutton, and would have a "drunken revel," after his four meals a day.

We are gratified to find in the two succeeding Emperors something of true nobility, although allied to some of the vices of the times. Vespasian was singularly wanting in ambition, in contrast with the morbid and extravagant craving for power and fame in most of the Emporors. His mother drove him "to sue" for honors open to him, with "entreaties," "taunts and reproaches." He "made no attempt on the sovereignty," until his "friends pressed him to the enterprise." On assuming the purple, he made a vigorous effort at reform. "Lust and luxury, from the license which had long prevailed, had grown to an enormous height." He showed himself to be just in administration, and possessed of a magnanimous spirit. "He was little disposed to keep the memory of affronts and quarrels, nor did he harbour any resentment on account of them." "He bore with great mildness the freedom of his friends—the satirical allusions of advocates—the petulance of philosophers. . . . Linius Mucianus treated him very rudely," and "he reproved him only in private." When complaining of this man's conduct to a friend, he "concluded with these words, 'however, I am a man.'" Of a religious turn of mind, he worshipped

in the temple of Serapis at Alexandria. Beyond the customary habit of concubinage he does not seem to have been given to the vices of his time, and this, in the estimate of our author, was not a fault, for he writes, "the only thing deservedly blamable in his character, was his love of money."

Titus, although at last winning for himself the title of "darling of mankind," did not promise well at first, as "he conducted himself with great haughtiness," and "besides his cruelty, he lay under the suspicion of giving way to habits of luxury, as he often prolonged his revels till midnight, with the most riotous of his acquaintance." But to the surprise of all, and to the enhancement of "his praises to the highest pitch," on coming to supreme power, "he was found to possess no vicious propensity, but, on the contrary, the noblest virtue." His was a phenominal reformation. Suetonius writes, "he was by nature extremely benevolent. He violated no private right. . . .He manifested the affection of a father for his people." He lavished his private means to relieve them in distress. He was influenced by religion. "He applied the ornaments of his palace to the decoration of the temples. . . . For the relief of the people during the plague, he employed, in the way of sacrifice and medicine, all means both human and divine."

In his brother and successor Domitian, we find another very bad Emperor. We learn that his youth was spent "in want and infamy." "He made free with the wives of many men of distinction." He "plotted against his brother, both publicly and privately." As Emperor, he became, after a brief show of justice, a cruel despot, for we read, that "he did not long persevere in clemency and justice," but "fell into cruelty" and "avarice." "During some time there was in his administration a strange mixture of virtue and vice, until at last his virtues themselves degenerated into vices." Suetonius writes, that he was inclined to cruelty "through fear." He put his victims to death for the most whimsical and frivolous reasons. He slays one for resembling his master; another, "for some jocular expressions;" crucified another for copying a history he did not like. "Becoming still more savage after his successes in the civil war. . . . he racked many with a new invention. . . . and from some cut off their hands. . . . His cruelties were not only excessive, but subtle and unexpected." In extortion he was a boundless villain. He "plundered his subjects," and "the estates of the living and the dead were sequestered. . .He levied exactions on the Jews with extreme rigor." With all this savagery and avarice, he wallowed in the grossest lewdness. "He was insatiable in his lusts." He "swam about with the lowest prostitutes" in the

baths. And yet this unspeakable miscreant, affected to be religious, and a conservator of morals! He punished the "lewdness of the vestal virgins. . . and to preserve pure and undefiled, the reverence due to the gods," he demolished a tomb built of stones designed for the temple of Jupiter, and sunk the bones found in it, in the depths of the sea. We have mentioned that it was this savage and debauched bigot that banished John the Apostle to Patmos.

7. It is matter of interest to note the length of reign and manner of death of these men. It was less than five years from the time Julius Cæsar crossed the Rubicon, mastered Italy, and was appointed dictator, till he fell, in his fifty-sixth year, pierced by the dagger thrusts of assassins. His last words were, to one, "Cursed Cassius, what means this," to another, "and thou too, Brutus!" Augustus ruled the Roman world for the long period of forty-one years. His was the grandest reign of them all. He died a natural death at the age of sixty-six, in the same room where his father had died. "Upon the day of his death, he inquired if there was any disturbance in the town on his account, and calling for a mirror, he ordered his hair to be combed and his shrunk locks to be ajdusted. Then asking his friends, who were admitted to the room, 'Do you think that I have acted my part on the stage of life well!'" . . . "he expired suddenly, amidst the kisses of Livia, and with these words, 'Livia, live mindful of our union; and now, farewell!' dying a very easy death, and such as he had always wished for."

Tiberius died "in the seventy-eighth year of his age and and twenty-third of his reign." He died, apparently, from a disorder occasioned from "catching a cold upon his overheating himself," in an encounter with a wild boar in the arena. "Some think that a slow consuming poison was given him by Caius, (Caligula) . . . others report that he was stifled by a pillow thrown upon him."

The fiendish Caligula, after a brief reign of less than four years, ended a short life by assassination in his twenty-ninth year. After a night of sickness from a "stomach disordered by what he had eaten the day before," he had arisen, and was passing through "a private corridor," where he met some boys, "who had been brought from Asia to act upon the stage. . . .Some say that while he was speaking to the boys, Chaerea came behind him, and gave him a heavy blow on his neck with his sword, first crying out 'take this' that then the a tribune ran him through the breast. . . .As he lay on the ground crying out that he was still alive, the rest dispatched him with thirty wounds." He had been intensely hated by the people. His body, like the

carcass of a beast, in keeping with the brutal life he had lived, "was half burnt upon a pile hastily raised, and then had some earth carelessly thrown over it."

Claudius, after a reign of fourteen years, perished by poison in his sixty-fourth year. The account by Suetonius runs thus: "It is agreed that he was taken off by poison," but where, or by whom administered, remains in uncertainty. Some authors say, that it was given him as he was feasting with the priests in the capitol, by the eunuch Halotus, his taster. Others say, by Agrippina, at his own table." In his account of Nero, Suetonius intimates that he had something to do with this regicide. That unspeakable monster perished by his own hand, in the thirty-second year of his age, after a reign of fourteen years. Universally dreaded, and intensely hated, he was at last "deserted by the world," and fleeing for his life from Rome, he was hunted down like an evil beast. Suetonius writes: "He awoke about midnight, and finding the guards withdrawn, he leaped out of bed and sent round for his friends. . . .No one giving any answer, he returned to his bed chamber. . . .He then endeavoured to find Spicillus the gladiator, or some one to kill him; but not being able to find any one, 'What,' said he, 'have I neither friend nor foe,' and immediately ran out, as if he would throw himself in the Tiber." He fled a short distance from Rome with a few attendants and attempted concealment, but finding himself pursued and discovered, he entreated that one of his attendants "would set him the example by killing himself." He finally "drove a dagger into his own throat, being assisted in that act by Epaphroditus, his secretary," and, "expired, with his eyes fixed and starting out of his head, to the terror of all who beheld him." His end was like his life, diabolical.

Galba, after a nominal reign of only seven months, died a shocking death at the hands of conspirators, in the seventy-third year of his life. "Being warned that he was in danger from assassins. he put on a linen coat of mail, remarking, at the same time, that it would avail him little against the points of so many swords." Venturing abroad, he was met by knights "appointed to dispatch him," and slain. "Some relate that he offered them his throat saying, 'Do your work, and strike since you are resolved upon it.'" He was left on the ground till a common soldier passing, cut off his head and carried it to Otho, "thrusting his thumb into the mouth," because there was no hair by which he could seize it. Otho died by his own hands after a brief reign of ninety-five days, in his thirty-fifth year. Such was the ethics of suicide, that Suetonius deems his death a noble one. A large part of the army was in rebellion for Vitellius, and thinking it useless

to resist longer, he cried out, "that he would expose to no further danger such brave men." He "embraced and kissed" his relatives and sent them away, and wrote letters of consolation, and prepared his will. He used the ready dagger to end his life, after a quiet night's sleep.

But the purple thus wrested by violence for Vitellius by the precarious army, was not long enjoyed. He died a miserable craven death, by the hands of a mob, after a reign of only eight months, in the fifty-seventh year of his age. The fickle army, "revolted from him in Syria and Judea, and swore allegiance to Vespasian." As the army approached Rome, he attempted to flee, and afterwards conceal himself. "He was dragged half naked into the forum, his hands tied behind him, a rope about his neck, and his clothes torn amidst the most contemptuous abuse. . . . his head held back by the hair. . . . Some of the mob pelting him with dung and mud. . . .He was tormented, and put to death in lingering torture, and then dragged by a hook into the Tiber."

Vespasian shared a deserved and better fate. After a successful reign of ten years, he died in his villa. We have seen that he maintained his facetious humour in his last hours. His son Titus, after a short reign of little more than two years, died peacefully "in the same villa where his father had died before time." He was only forty-one years of age. Suetonius writes: "He was cut off by an untimely death, more to the loss of mankind than himself."

The vicious brother of Titus, Domitian, was slain in the forty-fifth year of his age, and fifteenth of his reign. Hateful and hated, he had a presentiment of his assassination. The account given by Suetonius runs thus: The day before his death, he ordered some dates served up at table, to be kept till the next day, adding, 'if I have the luck to use them.'" He said to some persons near him, "To-morrow an event will happen which will be much talked about all over the world." Five o' clock p. m. the hour he dreaded went by and "he overjoyed, as if all danger were now passed, and hastening to the bath, Parthenius his chamberlain," seems to have betrayed him into the hands of assassins, who stabbed him to death. Thus perished the last of "the twelve." Only three of these men died a natural death, two perished by their own hands, and seven were assassinated.

8. The question naturally arises, why the Roman people tolerated, as patiently as they did, such hideous monsters of vice and crime as most of these Emperors were. The despotism of the Empire had supervened on a republic which had lasted nearly five-hundred years, in which a good deal of liberty and power had been enjoyed by the people. Why did

they now so patiently submit to such arbitrary power, often terrible in the display of cruelty? There are a number of reasons, most of them easily gathered from the pages of Suetonius. In a variety of ways, especially in the earlier part of their reign, these men courted the favour of the populace, by popular stage-plays, public shows, as the circus and the combats of the amphitheatre. Then there were the largesses of grain, donations of bread and other provisions, by which the populace was pampered. Besides, they soon learned that they really, on the whole, had less to fear from a one-man power than from an oligarchy, because several bad men are more likely to find a number of victims of their ill-will, than a single ruler. They had been worn out by the abuses and civil wars which ended the republic. The iron rule of even a bad Emperor, brought a kind of rest. It must be admitted, too, that there was a helplessness and fear that brought submission. No one knew when or where the savage caprice of the despot might strike: it was thus often the paralysis of terror. Suetonius mentions it as an illustration of the "miserable condition of the times," that when the death of Caligula was first made known, it was not credited by the people, but was thought to be a trick to "discover how they stood toward" the Emperor Any one familiar with the terrorism generally exercised by rulers in non-Christian countries of the present day, can easily understand all this. Sir Samuel Baker wrote of the Turkish Governor of the Soudan, as uniting all the gross sensuality of his nation, with "the brutality of a wild animal." Every now and then the British Government of India has to take one of the fuedatory chiefs by the ear, or depose him for some shocking cruelty to his people. The Roman Emperors managed cunningly to conciliate the soldiery, and with the Pretorian guard as a security for their power and safety, the common mass was helpless: the army was master. It may be noted, also, that there was generally about the despot, a knot of sycophantic tools, or managing miscreants, who profited by keeping him in power. But the depraved condition of the times itself, made the existence and continuance of such monsters possible. We must not seek to interpret such phenomena, by the morality and civilization of the present. A short paragraph here will illustrate this statement.

9. We hearn from the pages of Suetonius, as from no other writer, to what awful depths of immorality Rome had fallen. Extravagance, bribery, venality, extortion, cruelty, murder, assassination, suicide, and shocking licentiousness marked the utter dissoluteness of manners. The Pagan religion of the time had ceased to influence the conscience of men. We have seen how it was disregarded by some of the Emperors.

Restraint, from the shame of public censure, was gone. The guilt of this unspeakable depravity remains, for moral ideas were not extinct, as is clearly seen from several facts. Juvenal and other writers assailed the profligate manners so prevalent. Suetonius seems deeply impressed with the "miserable condition of those times." Of the period of Vespasian, he writes: "Lust and luxury, from the licence which had long prevailed, had grown to an enormous extent."

Living at the time, he writes as one deeply impressed with the wreck of morals. The office of censor existed with the duty of supervision over the morals of the people. At times the Emperors, themselves needing it most, capriciously exercised this office. Tacitus, another historian of those times, writes: "That Nero manifested a desire of extirpating virtue itself." But no doubt, sometimes sincere efforts were vainly made to stay the tide of gross immorality. The age seemed irredeemably bad.

To glance, briefly, at the common vices of the time, luxury and extravagance had sapped the vigor and ruined the fortunes of many. They hailed civil commotions, that traces of their hopeless indebtedness might be swept away. There was an utterly trivial estimate of human life. We have seen, in illustration, how the father of Nero killed a freedman, for merely refusing to drink more, and crushed a poor boy to pieces beneath his chariot. The Emperors slaughtered men merely from the love of it. The bloody arena swept away thousands for the delectation of brutal multitudes of gazing men and women. These held their own lives lightly, as is seen in endless suicides. Self-destruction was popular. Some of the Emperors, with the best men of the times, as Lucan and Seneca, died by their own hands. Licentiousness was without shame or bounds. Contributing to this was the fact, that the art and literature of the age were prostituted to purposes of shame; painter and sculptor and writer uniting to debauch the moral life. We have seen how most of the Emperors wallowed. Divorce was the commonest matter. Incest, sodomy, and every unnatural lust prevailed. Ingenuity was put to the stretch to invent new forms of sensual dissipation. Tiberius, "instituted a new office to administer to his voluptuousness." He "assembled from all quarters inventors of abominable lewdness." Nero himself "invented an extraordinary kind of diversion," which Suetonius describes. In this awful condition of things, women were lost to modesty and virtue. Girls were sometimes naked waiters at the feasts. Women swam about in stark nudity in the baths. Great ladies of state were the most flagrant offenders. Livia, the wife of Augustus, acted as procuress for her own husband. Julia, his daughter, was banished for

"lewdness and debauchery." Suetonius writes of Caligula, that "there was hardly any lady of distinction with whom he did not make free." He writes the same, indeed, of other Emperors. There were many banishments of royal ladies for scandalous lewdness. Some of these "gloried" in their shame as Domitia, wife of Domitian, who "was forward enough to boast of her scandalous intrigues." No relationship of consanguinity was a bar to lust. Caligula "lived in a habit of incest with all his sisters." Nero's incestuous passion for his mother has been mentioned. Tacitus writes that the flagrant advances were made by the mother. One turns from the revolting account, unable to conceive how all this existed in an age of culture and splendid civilization. We can see how thoughtless is the statement that the world makes no moral progress. Here was a common state of things, among high and low, that could not now possibly exist anywhere in Christendom. Outside, it does still find something of a parallel. But a leaven was then at work in the seething sea of depravity which had in it hope for the world. The hints in the New Testament, at the awful excesses of the ancient world, find some explanation in the pages of Seutonius. There are but few references to Christianity in his book. This may seem strange, in view of the fact, that Christianity had at that time widely spread throughout the Empire. Why was not the attention of Suetonius more largely arrested to it? Before his time, Paul had been beheaded at Rome, and in his day, John was banished to Patmos. Some of the fiercest persecutions of the Christians had taken place. But these were small matters amid the bloody events of that age. Yet Suetonius had observed something of the new religion that was in a short time to act so notable a part in the Roman world. He mentions the banishment from Rome of the Jews, "and all those who were proselytes of that religion." These rulers, and doubtless the people generally, had not learned to distinguish Christians from Jews, and it is supposed that Christians also are referred to in this passage. The confusion of Christian with Jew is clearly seen in an other passage, where he writes of Claudius, that "he banished from Rome all the Jews, who were continually making disturbances at the instigation of one Chrestus." By an anachronism, and through ignorance of the actual facts, Suetonius has Christ as living and connected with some disturbances at Rome, possibly riots of the Jews against the Christians, or of the Pagans against both. From another quotation, we gather his estimate of the new faith now spreading far and wide. He mentions, as we have seen, that Nero inflicted punishment on the Christians, "a sort of people who hold a new and impious superstition." In the same way Tacitus called the new religion,

"a foreign and deadly superstition," and Pliny called it "a depraved, wicked, and outrageous superstition." This "superstition," so misunderstood and misnamed, was then working as a new moral life, and laying the sure foundation of a new era and a new world, among a people sunken beyond the power of human recovery, in "impious," "deadly," "depraved," "wicked," and outrageous sensuality and crime.

T. J. SCOTT.

ART. III.—IS HINDU MUSIC SCIENTIFIC?

THE literature upon this subject, scanty in mere quantity, and existing under forms not readily accessible to the general reader, may be classed principally under two heads. The first includes writers, like Mr. Paterson and Mr. Bosanquet, who brought an intimate knowledge of the theory of European music to bear upon their subject, and whose essays upon it, accordingly, are full of valuable matter, but at the same time are too technical—too esoteric—to afford the easy pleasures of light reading. Under the other would fall the body of unqualified panegyrics, which, failing to separate the irrational from the scientific, and the tawdry from the beautiful, sees, or thinks it sees, in the barren refinements of a fantastic imagination, or in the vague exaggerations of a grotesque mythology, the wordless poetry of music, or the clearly defined truths of musical science. These elements of beauty and of defect, exist side by side in almost every department of the theory and practice of Hindu music, but while this second class of writers have been unable, through want of discriminating good taste, or unwilling, through the too tenacious prepossession of the writer for his subject, to separate the one from the other, the first class, at the head of which stands the illustrious name of Sir W. Jones, equally the pioneer in this rarely visited field, as in other and more frequently trodden paths of oriental research, have partially succeeded in effecting that separation, and would have succeeded further, had they not met with a serious check in the inability of native musicians to lend anything like an intelligent co-operation to their labours.

I propose, in the following pages, to take no notice of the fantastic and mythological element which had early crept into this ancient art; to specify those rational and scientific elements that form, and must always have formed, its solid foundation; to point out by comparison wherein they agree with, or vary from, the corresponding elements in the European sister art; and to indicate those elements that, either existing in a crude and rudimentary form, or altogether absent in the Hindu system, require to be developed or to be newly introduced into it, before this system, ancient in origin, refined in theory, and laborious in practice, though it is, can ever hope to reach that sublime height which Western music, in the short space of three centuries, has attained. The fulfilment of this hope may seem extremely

doubtful; to some, perhaps, absurdly impossible, and the hope itself a presumptuous dream; but the very fact of its being entertained by Hindu musicians of the future, will point to the presumption that they have at last begun to understand the value of Western musical science, and to appreciate the beauty of the art based upon it: an event, to my thinking, of vital importance to the future of Hindu music.

Three chief points of scientific interest in Hindu music.

The scientific value of Hindu music has been called in question by European critics upon two grounds, principally, and a third collaterally. These grounds are: 1st, the seemingly arbitrary nature of the Hindu scale; 2nd, the extraordinary number of the Hindu modes; and 3rd, (depending upon the first) not only the actual absence, but the future impossibility, of any true harmony based upon the existing scale.

First: the Hindu Scale: its Nomenclature.

The Hindu scale, primarily, is the same as the European Diatonic scale. Its seven notes are named *sa, ri, ga, ma, pa, dha, ni.* Of these *sa* corresponds to C, with regard to its position as the tonic or key-note of the natural scale. But whether *sa* corresponds to C with regard also to the actual number of vibrations per second, necessary to produce the note, has not been yet determined. This determination will be all the more difficult, when it is remembered, that the vibrations of the "twice marked" *c* itself vary from 546 in the Italian Opera pitch, through 512, the standard pitch, to 499 in Handel's low pitch. The scale itself is called *Gráma*, and a compass of only three grámas, or octaves, is recognized. Each note in a gráma has the generic name of *Sûr*, there being, thus, seven sûrs; but each note in the entire compass is called a *Mûrchaná*, there being thus, twenty-one mûrchanás. Every note, therefore, has two names—one as a sûr, the other as a mûrchaná. The meaning of this double naming will be explained in its place.

The Hindu Scale: it is almost identical, with the European Diatonic Scale, as regards "relative" pitch.

The Hindus never seem to have known the use of a standard tuning-fork. The "absolute" pitch, or actual number of vibrations of any of their notes, therefore, depends solely upon the ear and taste of individual players. But the "relative" pitch, or ratios between the vibrations of the key-note and of each of the other notes of the gráma, has been found to be pretty constant. These ratios are laid down as follows:—

sa	ri	ga	ma	pa	dha	ni	sa
1	9/8	5/4	4/3	3/2	27/16	15/8	2

The corresponding ratios for the European Diatonic Scale are as follows :—

C	D	E	F	G	A	B	C
1	$\frac{9}{8}$	$\frac{5}{4}$	$\frac{4}{3}$	$\frac{3}{2}$	$\frac{5}{3}$	$\frac{15}{8}$	2

The two Scales, therefore, are identical, except that *dha* is different from A. Although with regard to their position as key-notes *sa* is the same as C, Sir W. Jones, identified *sa* with A. His mistake was due, perhaps, to two causes: one being, that he took the Italian Opera pitch for his standard, and found that the "absolute" pitch of *sa* (ascertainable, at best, only very roughly) approached much nearer to that of A, than to that of C. The other cause will be apparent afterwards.

The European Scale standing next higher to the Diatonic, as regards the number of its notes, is the Chromatic. This scale consists of 12 notes from C to C; the vibrational ratios of these two latter continuing to be 1 : 2; but the eleven intermediate notes being found by the arbitrary method of multiplying the vibrational ratio of any note by a constant quantity 1·05946 (being the 12th root of 2) in order to determine the vibrational ratio of the next higher note. This is the method of *equal temperament*, made so familiar by the pianoforte; and the name explains why Bach called his Preludes and Fugues for the Piano, "Le Clavecin bien tempéré." There is no direct evidence to show that the Hindus were acquainted with this scale, but there is a strong presumption that they were; and that they derived their knowledge of it from the Persians, who divide their modes into 12 *mokáms*, or rooms. What remarkable use they made of this knowledge, will be seen on treating of the Hindu modes. Neither is there any direct evidence that, if the Hindus adopted the system of "equal temperament," they did so for a scale of 12 notes; but there are strong reasons for supposing that they adopted it for a scale peculiar to themselves, now to be noticed.

The Hindu Scale: no direct evidence that it adopted the divisions of the European Chromatic Scale; but probably it used, like the Chromatic Scale, some method of "equal temperament."

It has just been seen that the vibrational ratio of any note multiplied by a certain quantity, gives the vibrational ratio of the next higher note. In the Chromatic Scale, this quantity (called the *Interval*) is constant and arbitrary: in the European Scale, next higher in complexity, the Enharmonic, the interval is variable, having four values, depending upon the following

The Hindu Scale: is it a modification of the European Enharmonic Scale? No: for the Enharmonic Scale is developed from the Diatonic, by a rational and scientific Interval:

natural relation of the notes:—If, in the table of the European Diatonic Scale already given, the vibrational ratio of each note is divided by that of the note immediately preceding, the following fractions are obtained:—

C & D	D & E	E & F	F & G	G & A	A & B	B & C
$\frac{9}{8}$	$\frac{10}{9}$	$\frac{16}{15}$	$\frac{9}{8}$	$\frac{10}{9}$	$\frac{9}{8}$	$\frac{16}{15}$

These fractions represent the *Intervals* between each pair of notes, and only three kinds of intervals—$\frac{9}{8}$, $\frac{10}{9}$ and $\frac{16}{15}$ are obtained by this process. Again: it is found, by the practical test of the ear alone, that a perfectly concordant effect is produced if the three notes C, E, and G are so tuned, that the ratio of their vibrations is C : E : G :: 4 : 5 : 6. It is also found by the same test, that a concordant effect, slightly dissonant, is produced if the same notes are tuned in the ratio of C : E : G :: 10 : 12 : 15. The group, when tuned to the first ratio, is called the major chord; when to the second, the minor chord. In the major chord, the interval between C and E is $\frac{4}{5}$; in the minor chord, it is $\frac{6}{5}$. The interval between these two intervals, therefore, is $\frac{5}{4} \div \frac{6}{5} = \frac{25}{24}$. This fraction is the fourth kind of interval; completing, with the three preceding, the number sought for. Of these four intervals $\frac{9}{8}$ and $\frac{10}{9}$ are called *tones*; $\frac{16}{15}$ and $\frac{25}{24}$, *semi-tones*; the first three are common to the Diatonic and the Enharmonic scales; the fourth is peculiar to the Enharmonic, and supplies it with the fourteen notes which it alone possesses, in addition to the seven notes common to it with the Diatonic, by the following process: Supposing C = 1, the *multiplication* of this value by the interval $\frac{25}{24}$ gives the next *higher* note to C with a vibrational ratio of $\frac{25}{24}$: this note is C sharp. Again, if C = 1, in the Diatonic Scale D = $\frac{9}{8}$; the *division* of this value by $\frac{25}{24}$ gives the next *lower* note to D, with a vibrational ratio of $\frac{27}{25}$: this note is D flat. Thus by an alternate sharpening and flattening of each note of the Diatonic Scale,

a new scale, the Enharmonic, of 21 notes, is obtained with vibrational ratios as follows :—

C	C♯	D♭	D	D♯	E♭	E	E♯	F♭	F
1	25/24	27/25	9/8	75/64	6/5	5/4	125/96	32/25	4/3

F♯	G♭	G	G♯	A♭	A	A♯	B♭	B♮	B♯	C♭
25/18	36/25	3/2	25/8	8/5	5/3	125/72	9/5	15/8	125/64	48/25

This scale is practicable only on stringed instruments, when playing trios or quartets, but is impracticable when the strings have a chromatic pianoforte accompaniment, as in the concerto.

This statement of the process by which the Diatonic Scale is developed into the Enharmonic, will not be considered irrelevant, when placed side by side with the process by which the primary Hindu Gráma Scale is developed into the complex *Sruti* Scale.

While the Hindu *Sruti* Scale is developed from the Grámi Scale, by an arbitrary and empirical Interval, conjectured to be derived from a modified system of "equal temperament."

From the table of vibrational ratios for the Gráma scale given above, the following Gráma intervals are obtained by division :—

sa & ri	ri & ga	ga & ma	ma & pa	pa & dha	dha & ni	ni & sa
9/8	10/9	16/15	9/8	9/8	10/9	16/15

Here it is evident that the Gráma intervals are the same as the Diatonic intervals in value, but different in order of arrangement ; the difference occurring at the 5th and 6th intervals. It has also been assumed, in the absence of proof to the contrary, that the scale just given, is the Hindu major Gráma scale. Thus, then, the Hindu major gráma scale does not correspond with the European Diatonic major scale. Again : the fourth kind of interval, the semi-tone $\frac{25}{24}$ (called a *diesis*), is absent from Hindu music. Instead of it, the Hindus have seized upon the two values of the tone given above, and made *these* the basis of their new scale. The formation of this scale, then, starts, with two elements different from those with which the formation of the Enharmonic scale set out. The two elements are : a different primary scale, and a different interval.

Before proceeding to explain the process of this formation, it will be desirable to dispose of a long-standing objection, still obtaining some credit, urged alike against the Sruti and Enharmonic scales. This objection is, that the human ear is "naturally" incapable of distinguishing such fine gradations of pitch as these scales employ, especially when the gradations occur among the lower notes of the compass. The latter

part of the objection is true in the modified sense that, though the ear can distinguish such gradations, it can discover no new musical character in them: it can *hear*, but cannot *appreciate*, them. But the main contention of the objection has been once for all laid at rest by the discovery of a microscopic mechanism within the cochlea of the ear, known as "Corti's arches," in which a vast number of little hammers or levers is arranged side by side, like the keys of a pianoforte, in such a manner, that each lever vibrates only to the impulse of a particular note-wave, *and to no other*. The ear can, or should, therefore, distinguish as many notes as there are arches. This has received a partial practical illustration in the Enharmonic Organ of General Thomson, and in the Enharmonic Harmonium of Mr. Bosanquet, both using a division of the octave into no less than 53 equal temperament intervals, based on a system of tuning by perfect fifths. These instruments have "discoursed music" *in harmony*, which perhaps for that very reason has not been appreciated by the public ear, accustomed to much larger intervals in the bass part.

The Hindu Scale: the process of its development into the Sruti Scale, and the scientific value of that process.

The question, therefore, is, not whether the Sruti scale is *possible*, but whether it is *scientific*. To this, as yet, no answer completely satisfactory has been given. Such explanation, however, as has been found possible, will become apparent in the following statement of the process of the formation of that scale:—

A *Sruti* is, literally, the smallest interval distinguishable by the ear (Sans. "*sru*," to hear). A good English equivalent for it is "sub-tone." Of the two full tones found in both the Gráma and Diatonic scales, the tone $\frac{9}{8}$ is evidently a wider interval than the tone $\frac{10}{9}$. The former, accordingly, is called the *major tone*, the latter, the *minor tone*. The Hindus assign *four* srutis to a major tone, *three* to a minor tone, and *two* to the larger semi-tone $\frac{16}{15}$. By this distribution a new scale is formed standing thus:—

Notes.	Srutis.	Tones
sa to *ri*	4	major
ri to *ga*	3	minor
ga to *ma*	2	semi-tone
ma to *pa*	4	major
pa to *dha*	4	major
dha to *ni*	3	minor
ni to *sa*	2	semi-tone
	22	

It will be observed that the above consists of two tetrachords exactly alike (*sa* to *ma*, and *pa* to *sa*) joined by a major tone (*ma* to *pa*). Now it is known that a scale so constituted, gives much more accurate thirds and fifths, than any other scale. On the other hand, its fourths and sixths have errors too large to be pleasing to ears accustomed to the true Diatonic intervals. Intentionally or unconsciously this error is minimized by a new contrivance. The above scale (called the *Svaragráma)* is retained as the Hindu major scale, but two new scales (called the Madhyama gráma and the Gándhára gráma) are formed by "transferring one sruti from a note to its neighbour:" in other words, by sharpening or flattening a note to the extent of one sruti. Thus, the *Madhyama Gráma* stands :—

Notes :	sa	ri	ga	ma	pa	dha	ni	sa.
Srutis :	4	3	2	4	3	4	2	
Tones :	major	minor	semi-tone	major	minor	major	semi-tone.	

And the *Gándhára Gráma* stands :—

Notes :	sa	ri	ga	ma	pa	dha	ni	sa.
Srutis :	4	2	3	4	2	4	3	
Tones :	major	semi-tone	minor	major	semi-tone	major	minor.	

By referring back for a moment to the table of the Diatonic intervals, it will be remarked that the Madhyama Gráma corresponds exactly with the European major scale. The sixth in it, therefore, is more pleasing to Western ears. Again : the European major scale in C, has a "relative" minor scale in A, consisting, like it, of "natural" notes only, and having, therefore, the following intervals :—

Notes :	A	B	C	D	E	F	G	A.
Intervals :	$\frac{9}{8}$	$\frac{16}{15}$	$\frac{9}{8}$	$\frac{10}{9}$	$\frac{16}{15}$	$\frac{9}{8}$		$\frac{10}{9}$
Tones :	major	semi-tone	major	minor	semi-tone	major		minor.

Comparing this with the Gándhára gráma, two points of difference are noticeable: (1) the two scales differ in their third and fourth intervals ; and (2) the one begins with *sa*, the other with A, as their respective key-notes. Mr. Paterson ("Asiatic Researches"), not recognizing the first fact, made the mistake of identifying the Gándhára gráma with the minor Diatonic

scale. Sir W. Jones, on the other hand, did observe the second fact, but, probably, considering the Madhyama gráma to be the major scale of the Hindus, made the mistake of identifying *sa* with A, because in these particular scales the two happened to be the key-notes.

The Hindu Scale : the one question with regard to it that awaits solution.

This is all that is known with certainty regarding the constitution of the Sruti scale : the rest is matter of conjecture, turning upon one great point, namely : *What is the exact nature of the Sruti interval?* It cannot be the Diesis $\frac{25}{24}$; for that should give twenty-one and not twenty-two notes ; nor can it be the comma (the interval $\frac{9}{8} \div \frac{10}{9} = \frac{81}{80}$), for that would give fifty-six notes to the octave. It is maintained by Mr. Bosanquet that a scale of twenty-two notes can be drawn up, by using an interval obtained by calculating the difference between twelve fifths and seven octaves (each consisting of 84 semi-tones) in any scale. Supposing this to be actually accomplished, it will still remain to be shown that such a scale corresponds to the Hindu scale. In the meanwhile, a temporary resting-place has been found for enquiry, in the plausible hypothesis that the Hindus employed an equal temperament interval for their Sruti scale. If this is true, then the Sruti equal temperament labours under two great disadvantages, compared with the Chromatic interval, inasmuch as (1) it depends solely upon the ear, and (2) with such a scale, both modulation and harmony become difficult.

Second ; the Hindu modes : their number.

The second ground, on which criticism has taken a stand, is the extraordinarily large and fluctuating number of the Hindu modes. This varies from 36 primary modes in actual use, through 960, possibly by help of variations by means of Sruti temperament, to 16,000 practised by the Gopis of Krishna,—a number due, it need hardly be said, to that admixture of a mythological element which unfortunately disfigures so many rational calculations of the Hindus. The number of modes, however, that has any scientific interest, is 84. The Hindus sub-divide this number into 6 *Rágs*, 30 *Ráginis* (five being assigned to each Rág) and 48 *Putras* (eight to each Rág). This seems to be a modification of a still more symmetrical sub-division laid down by the Persians, whose eighty-four modes are made up of twelve *mokáms*, twenty-four *sobahs*, and forty-eight *gushas*. It has not yet been found possible to attach any significance to the Hindu (or Persian) sub-dividing numbers, and it is merely

conjectured that the Persian number "twelve" may be due to a rational connection with the Chromatic semi-tones. But the case is otherwise with the entire number "eighty-four," which is capable of a very rational explanation, as pointed out by Sir W. Jones, who, however, left to others the working out in full of the process, which his genius was the first to discover. Briefly, that process is as follows :—

That number capable of explanation, as the result of a rational process.

The Diatonic scale has been already seen to consist of seven notes, separated by seven intervals ; two of which are semi-tones, and five, full tones. The Chromatic, similarly, has been shown to consist of twelve notes, separated by twelve intervals, all semi-tones. In the Diatonic scale, beginning with C natural, the two semi-tones can have seven different positions, giving rise to seven modes, each having C for its key-note. Similarly, taking C sharp, the next higher note in the Chromatic scale, and forming a new Diatonic scale beginning with it, there again arise seven modes, according to the seven different positions of the two semi-tones possible in it, each mode having C sharp for its key-note. Proceeding in the same manner, it is evident there will be altogether *twelve* groups of Diatonic scales, each having one of the twelve notes of the Chromatic scale for its key-note, and each consisting of *seven* modes according to the successive positions of the two semi-tones. There will, therefore, altogether be $7 \times 12 = 84$ modes.

The Hindu modes: their redundancy in point of number, and consequent want of variety in point of musical character.

If the modes thus formed are drawn up in full, or if, without doing so, the result is worked out algebraically, it will be seen that a great many of them are repetitions (there being only twelve primary modes, each repeated six times), in the sense that they consist of the *same* seven Chromatic notes, in the *same* order, but starting from a *different* point : thus the mode—

c d e f g a b♭

will be repeated in the form

d e f g a b♭ c;

the mode

c♯ d♯ e♯ f♯ g♯ b♭ c

in the form

c c♯ d♯ e♯ f♯ g♯ b♭;

and so on. This reveals the secret of that repeated boast of native musicians (made in asserting the superiority of their

instruments over the fixed-note instruments of European music) that with the *same* arrangement of the frets, they can play more than one Rág.

On the other hand, the Hindus were quick in perceiving that these "*relative*" Rágs (if the expression may be permitted) have no distinctive musical character differentiating one from another. In order to remedy this, and introduce a new element of *variety* in their music, they hit upon a number of remarkable expedients. The first of these consists of a mutilation of the full scale, by which one or two notes are left out, so as to give rise to scales consisting of 6 or 5 degrees only: thus the popular Rágini "Bhupáli" has a scale of the five notes *sa, ri, ga,* pa, dha.** There is nothing corresponding to this in modern European music, but in the masterly and exhaustive enquiry made by Helmholtz into the development of the Diatonic scale, it is interesting to note that this mutilation exists at the present day in the Chinese and Gaelic scales, which both omit the 4th and the 7th. Going back to Greek music before the time of Pythagoras, who was the first to extend the Greek scale to the octave, the use of the *cithara* of five strings points to a scale of as many open notes; and, further back, in the half mythical days of Orpheus, the *tetrachord* alone is supposed to have been the scale known and practised. But as such a mutilation would have the effect of securing variety at the expense of range, a second expedient was adopted by the Hindus: namely, the use of *mûrchanás*, already referred to under the subject of the Scale. This consists of repeating any of the notes of a rág written in any octave, in the remaining two octaves of the full Hindu compass. Thus, the Rágini Bhupáli, just mentioned as consisting of only five *sûrs*, may consist of twice that number of notes with the help of mûrchanás. This, it will be observed, amounts to the European practice of recognizing intervals wider than the octave, such as a major ninth, a minor eleventh, and all other intervals from an augmented eighth inclusive, upwards. It must not, however, be omitted that this interpretation of the functions of a mûrchaná, is not unquestioned, and Mr. Paterson believed that they were really meant to be a sort of practice in solmisation. The composer's range, thus augmented by the use of mûrchanás, was further enlarged by a third expedient which consisted in the transference of a sruti from one note to another, a process technically called *Vicriti*. In other words, the Hindus knew the use of *Accidentals;* with this difference,

Expedients devised to remedy this defect: the coincidences of these expedients with some important principles of Western musical theory.

The first three expedients.

that, with them the sharpening or flattening was effected by the smaller interval of a sruti instead of the larger one of a semitone. This gave numerous opportunities for all the finer shades of musical expression, as the number of srutis available for this purpose was at least seven to each mode, and could have been more than seven, if the practice of using *double* sharps or flats was recognized by the Hindus.

Fourth expedient, *viz.*, Modulation.

Seemingly, not content with the variety already secured, the Hindus had recourse to a fourth expedient, namely, that of "*mixed rágs*;" corresponding closely with the European process of Modulation, or passing from one key to another. This, the most interesting question connected with the theory of the Hindu modes, is unhappily, also, the one which has received the smallest degree of attention from scientific enquirers. Its peculiar interest lies in the fact, that modulation seems to have been a recognized, and perhaps, an often practiced, branch of classical Hindu music, as is shown both by the theory of the mixed rágs, and the construction of the classical Hindu instrument the *Viná*, in which open strings are expressly provided to facilitate the transition from one key to another. It is surprising, therefore, to find that in modern Hindu music the theory of mixed rágs is ignored, and their practice rendered impossible in any kind of music into which the accompaniment of instruments with one or two fixed notes only, like the mono-chord or the *tublá*, is admitted. How was this change brought about? Any investigation into this question, and into the more general one of the scientific nature of these mixed rágs, will be materially helped by keeping in view the fact, that European modulation is most frequently effected from the major key of the Tonic to those of the Dominant, and Sub-dominant, and, then, to the relative minor key. These transitions, classed under the process of "natural modulation," are not arbitrary, but based upon the relations of the notes of the major and minor chords mentioned before. It is true that forms of arbitrary modulation are permitted under the name of "extraneous modulation, and musicians are familiar with that *tour de force* of Beethoven, where, in two slight preludes, and within the compass of a few bars, he runs through all the major and minor keys, thirty in number. But if the Hindu mixed rágs have any scientific basis, it is most likely that it will be discovered to lie in the same conditions as those of the "natural modulations" alone of European music. Probably the mixed modes of the Madhyama gráma will present the closest analogy with the modulations of the European major scale. It may be noticed, in passing, that the well-known Lucknow Thungri, is an example of a mixed rág.

Having exhausted the resource of numbers, the Hindus now turned to the fresh source of psychology, and drew from it a fifth and last expedient, based upon the great principle of the association of ideas. It need here hardly be indicated, how extensive and brilliant an application this principle has received at the hands of the great European composers of operas, nor how, recently, a school of music has sprung up, which seeks to convert the mere *association* of music with words into a *vital connection*—the one unable to exist without the other—and arrogates to the Opera alone the title of "the music of the future." The Hindus, on their part, were not a whit less dogmatic with regard to *their* way of applying this principle of association. They asserted that certain rágs are to be associated with, and sung to certain set words, at certain seasons of the year, and at certain "watches" of the day; they predicted that certain rágs *must* produce certain specified effects, not only on the passions of the human breast, but even upon external nature and the elements. Thus the singing of a particular rág must, they declared, cause flames to burst forth even in the midst of water; that of another, call down a shower from a hitherto cloudless sky. Such assertions, taken literally, are extravagant enough, but not more so than a literal interpretation of the story of the power of Orpheus' lyre over wild beasts and rocks and trees. But the more sober part of the Hindu doctrine of the association of music with set forms of words, is so nearly related to the European doctrine of the association of music with the scenery, the acting, and the *libretto* of the Opera, that the former will stand or fall according to the verdict passed upon the latter. This question, therefore, needs no separate discussion. There is, however, one refinement pretended by Hindu music, which modern Western music has not yet discovered, or discovered only to reject. This consists in the association of certain passions with certain modes. Thus the rág *Bhairava* is declared to be alone capable of stirring up a martial spirit. This kind of particular and exclusive association is, of course, absent from European music, which never pretends that the key of C, for example, is alone suited to the melancholy of a Dead March, as Handel used it in both "Saul" and "Samson"; or that the same key is alone suited to the joyousness of a Wedding March, as Mendelssohn employed it in "Midsummer Night's Dream." The Greeks, however, had something analogous to this specification in their modes. Thus the Lydian mode was associated with pleasure and tenderness,

Fifth expedient: the Hindus adopted the principle of the Opera in a modified form. The opera and the rágs are both based upon the principle of the Association of Ideas.

the Doric, with gravity and the sternness of war. The modern Tonic Solfaists, likewise associate, by a very remote stretch, indeed, of the fancy, each of the seven notes of the gamut with a definite feeling: thus they call *do* the "strong or firm note"; *re*, the "rising or hopeful note," *la*, the "sad or weeping note."

Such analogies, however, do not add any strength to the scientific position which the Hindu practice may claim; and until the analysis of the power of musical sounds has reached the same accuracy as that already attained by the power of articulate sounds, so as to enable the musician of the future to attach as definite a meaning to a bar of music as a poet can now do to a verse of poetry, such refinements as those of the Hindus, must be relegated from the well-delimited province of science to the undefined regions of a strained and over-wrought fancy.

The Hindu modes: questions with regard to them that await solution.

There would seem to be according to the preceding account, two principal points that await solution, with regard to the theory of the Hindu modes. First, is there any principle of scientific selection by which thirty-six alone of the eighty-four possible modes have come into general use? Second, is there any scientific relation existing among the modes that constitute a mixed rág; and is this relation, if it at all exists, similar to that which forms the basis of European "natural modulation?" To help towards the answers to these questions, the only data at present available, from written sources, are a list of the thirty-six rágs and ráginis, and an alphabetical but otherwise unclassified list of the mixed rágs. Another, and much greater help lies in practical discoveries and verifications to be made by actually listening to the performances of skilled native musicians. But this is a help that applies equally to the investigations of all the three points started in this paper. It may, perhaps, be necessary to add that absolute reliance cannot be placed upon results obtained from the performances of one or a few individuals, owing to great divergences among the practices of rival *Ustads*, supported and perpetuated by the unswerving adherence of their respective schools,—an adherence as unreasoning and sometimes as comical as the rivalry of the Gluckists and Piccinists in France a hundred years ago.

Third: Harmony rejected by the Hindus on the ground that it is not "natural," but a pure invention of Western ingenuity.

The last point proposed for notice is, the absence of harmony from Hindu music, and its impossibility upon the existing Hindu scale. It is strange that the same people who claim a superior delicacy of perception for the effect of a *succession* of notes, producing melody, on the ground that they possess

twenty-two of these to the European's twelve, should have shown so remarkable an insensibility to the effect of a *co-existence* of only a few of these notes, necessary to produce harmony. Apologists have been able to produce only the following passage from the *Nárada*, as a proof that the theory of harmony was anciently known to the Hindus, and that it was no other than their *Raktang* :—"*Raktang* is that which is produced by a combination of the sounds of all stringed instruments, wind instruments, and those of other kinds." This *may* mean harmony ; but it may also mean an instrumental concert, in which all the instruments play either in unison or in octaves ; and there is nothing in it to prevent its meaning the unique music of an Indian marriage procession, in which musicians of various nationalities play, upon instruments of all kinds, pieces set to various keys, in various rhythms, and in various pitches—all at the same time. The Hindu practice is little better than its theory, for the only trace of harmony to be found in it consists either of the bass accompaniment of the key-note alone, sounded continuously throughout a piece, and made familiar by the snake-charmer's drone, or of that of the Tonic and the Dominant, played alternately in rather quick time.

Abandoning this untenable ground, a stand is next made upon the firmer position, that, in rejecting harmony, Hindu music merely follows nature,—there being no harmony, they say, in the sounds of nature, in the songs of birds, or in the unaccompanied human voice, but only melody.

This ground shown to be false: inasmuch as harmony is merely the scientific analysis of the *natural* phenomenon of Harmonics or Overtones.

The answer to this will be apparent from the following account of the physiological origin and musical basis of harmony :—If a tightly stretched string of a given length and thickness is struck, the following phenomena can be observed with the help of proper experimental appliances :—The entire length of the string makes 32 vibrations in a second, producing a loud note, called C ; each half of the string, at the same time, makes 64 vibrations per second, producing a much feebler note, an octave higher, and called C' ; each third part of the string, similarly, makes 96 vibrations per second, producing a feeble note, corresponding to the 5th above C', and called G' ; each quarter of the string makes 128 vibrations, similarly, producing the 4th above G', and called c, and so on. All the feeble notes thus produced are called the *harmonics* of the original note C, which, in relation to them, is called the *fundamental*. The series of harmonics, with their fundamental, reckoned up to the vibrations of the *twentieth* section of the string, will stand as follows :—

Section of String.	No. of Vibrations per″	Name of Note.	Section of String.	No. of Vibrations per″	Name of Note.
1	32	C	11	352	f′
2	64	C′	12	384	g′
3	96	G′	13	416	a′
4	128	c	14	448	b′ ♭
5	160	e	15	480	b′
6	192	g	16	512	c″
7	224	b♭	17	544	d″ ♭
8	256	c′	18	576	d″
9	288	d′	19	608	e″ ♭
10	320	e′	20	640	e″

(Helmholtz gives the vibrations of C as 33, on which number is constructed the Stuttgart standard c″ tuning-fork with 528 vibrations. The C with 32 vibrations gives c″ = 512, a number having the advantage of being continously divisible by 2.)

Now, reverting to the Diatonic scale, it will be seen that from the vibrational numbers of its seven notes, the following ratios are established, after clearing fractions:—

C : E : G :: 4 : 5 : 6

G : B : D :: 4 : 5 : 6

F : A : C :: 4 : 5 : 6

These triads constitute the Diatonic major chords. From the table of Harmonics just given, the following ratios are obtained:—

c : e : g :: 4 : 5 : 6

g′ : b′ : d″ :: 12 : 15 : 18 = 4 : 5 : 6

f′ : a′ : c″ :: 11 : 13 : 16

These triads, constituting the Harmonic major chords, are thus exactly the same as the Diatonic chords above, in two cases, and in the third the difference between the diatonic ratios 4 : 5 : 6, and the harmonic ratios 11 : 13 : 16, is small, not exceeding $\frac{3}{65}$; while the difference between the major and minor diatonic chords is as great as $\frac{2}{15}$. Here then, is the remarkble fact that the Diatonic chords, forming the immediate source of all harmony in European music, are almost, identical with the Harmonic chords supplied by nature herself. When the Hindu musician runs up or down his Diatonic scale, taking the notes in *succession*, he produces what he considers melody, and melody alone; little thinking that in the very act of singing

even one of his seven notes, say, *sa*, he generates all the harmonics of that *sa*, and thus, unknown to himself, sings also in harmony. If this is true, and experiment says it is, the Hindu musician may well exclaim, in the same frame of mind as Monsieur Jourdain, that he has been singing in harmony all his life, without knowing it. But the European ear, five centuries ago, became conscious of this phenomenon of harmonics, reflected upon it, experimented with it, analysed it into its elements, and finally recombined them. The result was, the science of harmony. There is not invention, but discovery, not artifice, but art, not arbitrary choice, but scientific selection, in the constitution of harmony; which superposes no new element on the nature of sound, but merely explains that nature, and which may be aptly called the expanded flower of what lay folded up in the bud of harmonics.

Harmony: it is possible upon the Sruti scale only upon two conditions:

The second part of this subject is the question whether harmony is possible upon the Sruti scale of 22 notes to the octave. An exact answer will be possible only when the numerical value of the Sruti interval has been accurately ascertained; but till then, only, the general line of enquiry can be indicated.

More than two thousand years ago, Pythagoras proposed the problem,—"Why does harmony consist in the ratios of small numbers?" The answer was not fully given until in our own days, when Helmholtz showed that the waves producing two musical notes whose numerical ratio is large, give rise to *interferences* producing the phenomenon of "*beats*," and that when these beats exceed a certain number (about 30 in a second), they produce a "grating" sensation, by the rapidly intermittent excitement of the auditory nerves—a sensation which he compares to the unpleasantness of looking at a "flickering" light, which produces the same intermittent action upon the filaments of the optic nerve. On the other hand, if the vibrational ratio of the two notes is small, their sound waves will frequently correspond, or be in the same phase, and thus instead of interfering intermittently, will produce a continuous augmentation of the effect upon the ear. In the former case, the result is dissonance, in the latter, harmony. But from the fact just stated, that each note, even when sounded singly, is accompanied by a large number of harmonics or overtones, it is evident how greatly the chances of interference among the lower harmonics of even fundamentals, themselves in harmony, are increased. To avoid such dissonances completely, is impossible, but to reduce their number, various schemes have been adopted, the basis of all being to make "the ratios of small numbers" hold good in as many cases as possible. Thus the

Diatonic scale adopts the two sets of ratios—4 : 5 : 6 and 10 : 12 : 15. The Enharmonic employs these same ratios, and another and a larger one due to its new interval of $\frac{25}{24}$. In the Chromatic scale, the numbers are larger still, its interval being approximately $\frac{53}{52}$. Its major and minor chords are thus less harmonious and less pure than those of the preceding scales; but by a singular circumstance, which has been well called * a "providential arrangement" it happens that the 12 fixed notes of this scale will give the harmonic chords of any key (and there are thirty in European music, fifteen major, and fifteen minor) with a smaller amount of error, than any other number of notes that can be selected, until the large one of fifty-three is reached. Thus the only two *rational* Chromatic scales practicable are: one of 12, and the other of 53, notes; and any other Chromatic scale, intermediate between these two, must be either irrational, or based upon entirely new principles.

Which are:—first, that the intervals of the Sruti Scale must consist of "ratios of small numbers;"

Applying the above remarks to the Sruti scale, it would seem that its capacity for being harmonized will continue to be doubtful, until it can be shown that its one interval, in case it is an equal temperament chromatic scale, has a ratio consisting of small numbers; or that all its various intervals, in case it employs several, like the enharmonic, fulfil the same condition. From what has just been said, it seems unlikely that anything but an irrational chromatic scale can be made out of twenty-two sub-tones, and, from the circumstance of its differing from a rational scale like the enharmonic, by only one degree, the Sruti scale seems to have no better chance of ranking as a rational harmonic scale. It cannot, however, be too strongly emphasised, that nothing definite can be pronounced on this point, until the matter has received the attention of physicists, eminent not only as mathematicians but also as musicians; and that, even then, their verdict, if adverse, can only destroy the scientific pretensions of Hindu music, but cannot in the least loosen the ties of association which give it so strong a sway upon the passions of the people, or alter inherited musical tastes ingrained into the whole nation by centuries of use and custom.

Another revolution, besides the limitation of the interval to a ratio of small numbers, effected by the introduction of harmony into European music, was the limitation of the num-

* By Mr. C. B. Clarke in an able article on "Hindu Music," in the *Calcutta Review* for 1874.

ber of its modes. The early history of music in Europe shows that the Christian Church more than doubled the number of the ancient Greek modes, by using *twelve* modes, six called the *authentic*, and six the *plagal*. The former were composed of only the natural notes, and had, for their tonics, each note of the natural scale, except B. The latter were obtained by beginning, each, a fourth below the corresponding authentic mode. It will be evident from this, how simple the construction of these Ambrosian and Gregorian modes (as they are also called) was, in comparison with the complex formation of the eighty-four Hindu modes. But with the advance of harmony, even these comparatively simple scales had to be abandoned, one by one, until the modes were reduced to *two* in number—the major diatonic, having the semi-tones at the third and seventh intervals; and the minor diatonic, having them at the second and fifth intervals.

And second: that the Hindu modes must be greatly reduced in number.

The same considerations lead to a strong presumption, that many of the Hindu modes will admit of no harmony to which they can be set. This presumption has received some confirmation from the opinions expressed by practical musicians, who have had opportunities of examining Hindu melodies written in certain modes. It is very true that many Hindu melodies have been harmonized correctly; but these are either composed in rágs corresponding to the two European modes now in use, or they are mere "ideas" taken from orthodox melodies, but written and developed in the ordinary European keys, and therefore, for the present purpose, not to be considered as "Hindu" music at all. But that music, properly so called, must inevitably proceed to throw out of use a great many of its eighty-four rágs, if it is to gain strength in the richness and variety of its harmony.

Conclusion.

That with regard to this and other points, a movement towards improvement and reform has already begun, there are many signs to indicate. There are native gentlemen who, not content with merely admiring the aesthetic aspect of their national music, feel the necessity of discovering the scientific basis on which it rests. It is to be fervently hoped that these true promoters of the interests of Indian music, have, once for all, and distinctly, realized the fact, that their efforts can produce full or even adequate results, only when, by mastering the theory of European music, they can offer an intelligent co-operation with the labours of European scientists in investigations into Hindu music. Important as are the results of the labours of Sir W. Jones in the elucidation of this subject, no reader of his essays

upon it can fail to observe, how greatly he was hindered in his work by the total ignorance of the elements of European music displayed by the native musicians whom he consulted, or whose performances he witnessed. Without indulging in useless regrets for the past, experience has surely shown that, if Hindu music is to be improved scientifically, without giving up a single one of its characteristic national features and æsthetic charms, then that improvement can only come from native musicians who have mastered the science of European music, and especially of European harmony. The fear of impairing the "national" character of Hindu music by importing into it the "foreign" element of harmony, will cease then to exercise that baneful influence which it hitherto has upon conservative spirits, and it will be seen that harmony, like any other law of physics, cannot be "foreign" to the Indian, and "native" to the European; nor that its introduction will necessarily interfere with the "national" character of Hindu, or any music.

H. M. PERCIVAL.

ART. IV.—COMPARATIVE CRIMINAL PROCEDURE.

A KNOWLEDGE of the laws of other civilised countries is as essential for the statesman and the lawyer as for the jurist, philosopher, or moralist. An ambitious scheme was projected by Leibnitz for tabulating the laws of different countries, and showing their correspondence and differences in parallel columns; but the scheme was never carried out, and since then very little has been done for the comparison of laws, except in connexion with history. Comparative criminal jurisprudence, in particular, has received scarcely any practical treatment or concrete illustration, a fact which is painfully apparent in some of the decisions which go to make up the body of Indian case-law Crimes, punishments, procedure, police, ——these are matters which concern every member of the community, lawyer and layman alike. Illegal, improper, or erroneous, orders and decisions may be fraught with mischief to the interests of millions; and every citizen of the State is concerned in seeing that judicial officers are not permitted to overstep the law, or disobey its plain directions. In England, the decisions of the highest Courts come in for a fair share of criticism, always intelligent, and often scientific; whereas, in India, for reasons to be mentioned hereafter, the High Courts live in an atmosphere almost untouched by criticism. Not that there are wanting able critics with the requisite knowledge and experience; but those who possess these requisities have not the necessary leisure, and *vice versâ*.

It is evident that, though the substantive penal law may be the perfection of reason and wisdom, yet the worst criminals may escape owing to flaws and technicalities in the law of procedure. Now the Indian Code of Criminal Procedure has been conceived in the same spirit as Continental and American Codes, and is framed with the express purpose of eliminating all possibilities of acquittal except on the merits of the case. Section 537 of the Code enacts that no sentence or order shall be reversed or altered on account of any error or irregularity, *unless a failure of justice has been occasioned thereby.* This provision, repeated in other sections, is of the essence of the Code; and in section 530 is given an exhaustive list of the irregularities which must be considered to vitiate proceedings. The Louisiana Criminal Procedure Code, framed by a distinguished lawyer and jurist, lays down seven objects, one of which is to abolish all forms, that produce vexation to the prosecution, to the accused, or to the witnesses. Another is to *take away from the guilty all hope of escape by a resort to formal or technical*

objections. Article 3 states that "the great object of penal law being the prevention of offences by the example of punishment, the intent of all Codes of procedure is to ensure this end; therefore, every system must be imperfect, which permits the form to defeat the substance of the law, and suffers a criminal *ever* to escape punishment from any defect of form in his prosecution." The rule of the English law, that statutes are to be construed strictly, originated in the extreme severity of punishments formerly inflicted for comparatively trivial offences. On the Continent Beccaria's treatise is said to have entirely changed the spirit of the old criminal tribunals, and Morellet (Mémoires, i,165) tells us that the younger magistrates gave their judgments more according to the principles of Beccaria than according to the text of the law. But these principles found keen opponents in the obstinacy and narrow-mindedness of English lawyers, who even up to the present day think no system can possibly be so good as their own. Archdeacon Paley and Lord Ellenborough persistently opposed all attempts to mitigate punishments, and so great was the influence of Paley, that even Howard's * proposal to restrict capital punishment to cases of murder, arson, and burglary, was considered bold and impracticable. Romilly has been called a great law reformer, but even he at first had no idea of abolishing the death penalty for theft; all he proposed to do was to raise from twelve pence † to forty shillings the value of property, the theft of which should expose a man to death. Even so, he reported that it was useless to consult the judges on the measure, "as they were not likely to approve of it." It was not till the year of the Reform Bill that the school of Beccaria and Bentham achieved any signal success in England, the writings of Helvetius and Montesquieu (to whom Beccaria owed much) having had little or no effect. In 1832 it ceased to be capital to steal a horse or a sheep, in 1833 to break into a house, in 1835, to commit sacrilege or to steal a letter. Still, even in 1837, there were 37 capital offences on the Statute-book; whereas now there are only four,—murder, treason, piracy by the law of nations, and setting fire to dockyards. No wonder that judges often directed juries to acquit for paltry technical flaws and so-called *variances* between the fact charged and the fact proved. No wonder that John Brown was acquited, because he had been erroneously indicted as James Brown; or that the prisoner was let off for stealing a lamb, because the indictment called it a sheep; or that property worth several pounds was found by juries to be

* Howard's book on the Lazarettos of Europe appeared four years after Paley's work.

† A statute of Elizabeth had fixed the value of twelve-pence.

worth only thirty-nine shillings! The law was contrary to humanity, and therefore there was some reason for the rule of strict construction. But why should such a rule be torn from its native soil, and transplanted in a country, to which it is utterly unsuited? *Cessante ratione, cessat et ipsa lex;* and, as a matter of fact, the rule has been much relaxed even in England in recent years. Not only was there never any necessity for introducing such a maxim into India, but the rule itself is antagonistic to the spirit of Indian procedure, and is one of those numerous instances of judge-made law, which add something to the Code which was not in it, and that *in spite of the clearly-expressed intention of the Legislature.* Section 1045 of the New York Criminal Procedure Code is as follows:—"The rule of the common law, that penal statutes are to be strictly construed, has no application to this Code. The provisions of this Code and all proceedings under it are to be *liberally construed, with a view to promote its objects, and in furtherance of justice.*" To the same effect is Article 4 of the Louisiana Penal Code, which enacts that "penal laws are to be construed according to the plain import of their words, taken in their usual sense, in connexion with the context, and with reference to the matter of which they treat." The Commissioners on the New York Code forcibly remark, that "the provision is inserted for the purpose of abrogating a distinction which has in it no principle of substantial justice, and whose highest aim, practically considered, seems to be to render the law inconsistent with its spirit, and, as a consequence, absurd and ridiculous." A great criminal jurist has remarked that "nothing so much fosters the growth of crimes as the hope in the culprit that some defect of form will enable him to escape; and nothing encourages that hope so much as the numerous and sometimes frivolous objections that are allowed; and this is called the tenderness and humanity of the law!—when, in fact, it is, in the words of Sir Matthew Hale, its "greatest curse and blemish."" In France no omission or violation of prescribed formalities is a ground for a reversal of the conviction or of what has gone before, unless the Code *specially directs* that such formalities are *absolutely essential* (que le présent Code prescrit *sous peine de nullité.* Code d'Instruction Criminelle, 408). Neither has the Court of Cassation any jurisdiction to notice any flaws in the procedure prior to the actual commencement of the trial (des actes antérieurs a l'arrêt de renvoi et de mise en accusation). How often are rules issued by the High Court staying or quashing proceedings almost as soon as they are instituted! A Magistrate is, perhaps, censured for not coming to a judicial determination on matters before him, although the action of the High Court has prevented him from

doing so. The most elementary rule of Indian law is, that the accused may be convicted of any offence which, from the facts admitted or proved, he appears to have committed, no matter what may have been the nature of the summons. And yet the High Court have actually quashed cases, in an initial stage, because the facts were not covered by the section mentioned in the summons, though they were clearly punishable under some other section of the law. In France there can be no demand for revision before the Court of Cassation, except when *final* judgments have been passed (Cass. 27th February 1863; 18th January 1867, *et passim*). Even where essential formalities have not been observed, a re-trial is ordered; but there have been many cases, in which judges of the Calcutta High Court have acquitted outright owing to some trifling error in the charge, which could not possibly have prejudiced the prisoner. And even supposing *no charge* has been drawn up, and a failure of justice has been occasioned thereby, it is the *duty* of the court "to order that a charge *shall* be framed, and that the trial be recommenced from the point immediately after the framing of the charge" (s. 535 C. P. C.) The court is as much legally bound to obey this plain direction of the law as police officers are bound to observe the provisions relating to house-searches (s. 103), record of informations (154,155), diary of investigations (172), and other matters. Police-officers are sometimes prosecuted for contravening these directions; and there is even less reason why educated judicial officers should enjoy immunity for similar disobedience. The native press sometimes contains articles complaining of magisteral vagaries or executive vigour going beyond the law, but more frequent instances of judicial vigour actually overriding and annulling the law are not noticed. In the former case magistrates, if they have erred, are censured; but a divisional bench of the High Court is beyond control, as there is no appeal to the Privy Council in criminal cases, and the Local Government cannot appeal against orders of acquittal passed by the High Court. It is a significant fact that, if dacoits are acquitted on appeal by the High Court, the native mind is much exercised, as this is an offence for which it has no sympathy; but offences such as embezzlement, cheating, forgery, perjury, and false charges, are not regarded with so much repugnance, and acquittals in such cases are in accord with the spirit of compassion, which is supposed to be a marked characteristic of the Hindu mind. Perhaps some may think that the term compassion is too generous a euphemism for a fellow-feeling and sympathy of a less honourable nature.

Such being the general principles and spirit of the Indian law, I propose to enumerate some instances, in which

prevailing practice or case-law is not in accord with it; and in doing so, to discuss some important points of criminal procedure, comparing and contrasting with other laws, to point out certain anomalies, and to specify some additions and amendments that appear to be called for. The subject is one of which it is impossible to over-estimate the importance; and it is doubly so at the present moment, as it is probable that, at no very distant period, there will be a close inquiry into the administration of civil and criminal justice and the working of the Courts in India, from highest to lowest. It therefore behoves those, who are responsible for the judicial administration, to put their house in order without delay.

Examination of accused persons.

The examination of the accused in France is the most important part of the proceedings, and in some other countries the accused is not only a competent witness, but he is *made* to give his own account of the circumstances, and explain away, if he can, *subject to cross-examination*, all that seems suspicious against him. But to leave continental countries out of the question, as there is some prejudice against their procedure on this point, opinion in England is gradually and steadily veering round to the desirability of such examination, without making it absolutely inquisitorial. The Bar in India appear to be absolutely unaware of the fact that for the last fifteen years, at least, accused persons have been permissible witnesses, and it is to be feared that they have succeeded in imbuing the Bench with the same impressions. Probably the hair of most Indian judges and barristers would stand on end at the idea of an oath being administered to an accused person; and yet—*horresco referens!*—this terrible practice is making such rapid strides in England, that before another decade is past, it may be the rule to examine on oath accused persons in all cases. Accused persons may now be sworn, if they wish, when prosecuted for certain offences under the Mines Regulation Act (35 and 36 Vic., c. 76, s. 63, and c. 77, s. 34, para. 4), the Conspiracy, &c Act, 1875 (38 and 39 Vic., c. 86), the Licensing Act, 1872 (35 and 36 Vic., c. 94, s. 51, para. 4), and the Explosives Act, 1875 (38 Vic., c. 17, s. 87). And in 1877 it was enacted by the Law of Evidence Amendment Act (40 and 41 Vic., c. 14, s. 1) that any indictment or proceeding for the non-repair of any public highway or bridge, or for a nuisance to any public highway, river, or bridge, and on the trial of *any other indictment or proceeding instituted for the purpose of trying a civil right only*, every defendant, and the wife or husband of any such defendant, shall be admissible witnesses and *compellable* to give evidence. Similar provisions

are contained in the Employers' Liability and Dynamite Acts, and the still more recent Criminal law Amendment Act. Livingston remarks in this connection (Introductory Report to the Louisiana Code of Criminal Procedure): "In the examination of the accused, the advantage is that, *if guilty, he will frequently betray himself by his own story.* The truth would be a confession. He must have recourse, therefore, to falsehood; but, as error is infinite, he will state some things which can be easily disproved by circumstances or by other witnesses, and the investigation of which would lead to his conviction. . . . His looks, his manner of answering, his hesitation, or promptitude, even his silence, would have their effect in determining on his innocence or guilt." Sir James Stephen shows from the record of the trial of Sir Thomas Berkeley in 1350 for the murder of Edward II., that at that time the accused was questioned till a specific defence resting on a particular alleged fact was set up by him (Hist. Cr. L. i, 148); and remarks that the practice of examining the prisoner pointedly and minutely at his trial is an advantage to him, if he is innocent, and tends to convict him, if he is guilty. "I doubt," he says, "whether the absence of all rules of evidence, and the habit of reading depositions instead of having the witnesses produced in court, made so much difference as our modern notions would lead us to believe." The writer of these words is not only a renowned jurist, but probably the best criminal judge on the English Bench. He further remarks that the trials were directed to the very point at issue; *the attention of the prisoner was pointedly called to every part of the case against him,* and, if he had a real answer to make, he had the opportunity of bringing it out effectively and in detail. The italics are ours, and these words exactly represent the existing law in India, though unfortunately the practice is often not in accordance with the law. Under s. 342 C.P.C., if any circumstances appear in the evidence against the accused, the court *shall* question him *generally* on the case, for the purpose of enabling him to explain such circumstances. Indian magistrates are sworn to administer Indian and not English law, and yet this plain direction of the Legislature is persistently disobeyed. Native deputy magistrates are, for obvious reasons, the worst offenders in this respect, but civilian magistrates and Sessions judges are by no means free from complicity, while High Court judges have sometimes so far overlooked the law as to censure subordinate officers in cases, where they had not exceeded the duty imposed by the section in question. The duty is one the neglect of which tends to the acquittal of guilty persons, and the omission to question the accused *at any stage,* as the law permits, needlessly lengthens cases, and *pro tanto*

causes a waste of the public time. The omission to question the accused, or at least to question him properly, proceeds from a sort of ineradicable idea the Bar appear to entertain that it is contrary to the spirit and principle of English law to do so. At the beginning of this year Lord Bramwell actually introduced a Bill into the House of Lords to enable accused persons to be sworn and to give evidence on their own behalf *in all cases!* Moreover, why should English law be referred to more than Continental or American codes? Sir James Stephen appositely remarks that the parties are competent witnesses in civil cases, and there is no reason why they should not be so in criminal cases. He thinks the accused should be examined in chief by his own counsel, and cross-examined by the counsel for the crown. In Louisiana (P.C. 173) the accused is warned that a departure from the truth or a refusal to answer without assigning a sufficient cause *must* (the Indian law is *may*, s. 342 C.P.C, 2nd para., and Evidence Act, s. 114 (*h*,) operate as a circumstance against him. In many of the States of America a defendant may testify in his own behalf and may be cross-examined in full like any other witness, but he cannot be compelled to testify to facts, which would convict him of any other crime than that for which he is on trial. Accused persons in India should be properly questioned on every point in the evidence against them, as the code of 1882, while narrowing the purpose of the examination, renders it obligatory. With regard to this change in the law, Sir James Stephen remarks: "The Code of 1872 authorised the examination of the accused without assigning any reason for it. Perhaps the new expression was introduced in the Code of 1882 in order to soften what many people consider a harsh proceeding. For my own part, I regret the alteration. It looks like an apology for what does not require one. *It is, however, hypocritical, for the Code contains no provision as to what is to happen if the questioning does not conform to the directions of the Code*, and it specifically enacts that the court may draw such inference from the refusal of the accused to answer or from his answers as it thinks just. Besides, in practice, every question any one could want to ask might be justified by the terms of the section; *e. g.*—"The witnesses say they saw you at this place. Were you there or not, and if not, where were you?" The words thus make hardly any difference." With reference to the words in italics, Sir James Stephen appears to labour under the very pardonable impression, that the provisions of chapter 45 of the Procedure Code are rigidly observed by the Courts in India. As has been pointed out, this is not so. On the other hand, convictions are often reversed on the ground of

irregularities, which find no place in s. 530. Orders, intended by the Legislature to be non-appealable, are upset on revision; indeed, the ever-expanding circle of criminal revisional jurisdiction has widened to such an extent, that there is *actually no difference between an appeal and a revision!* * A convicted person almost prefers a non-appealable sentence, as, on revision, every thing is gone into, facts and law, and every act of procedure from the very commencement of the trial. Instances have occurred in which convicted or accused persons, ignoring the Appellate Court, have at once rushed up to the High Court for revision. It is evident that no decision that was ever passed (whether by Magistrates, Judges, or High Courts) could escape utter trituration beneath the grinding wheels of this remorselessly revising Juggernath. The very Law Reports *(miserabile dictu!)* must disappear in the universal hecatomb.

It were easy to give numerous instances, as ludicrous as they are scandalous, of failures of justice arising from omission to question the accused. The most extraordinary instance I can call to mind was a case tried by a Bench in Calcutta, in which a native was prosecuted by the Great Eastern Hotel for stealing some bottles of brandy. The half-empty bottles were found on him, and the President of the Bench (a native) was going to question him as to where he had got them. But the attorney for the defence (a European) *would not permit the question to be put!* The magistrate persisted, but the attorney was equally persistent, and the former, after a futile struggle to enforce his order, gave way, and the accused was discharged, because there was other brandy of the same brand in Calcutta, and the accused *might* have come by the bottles innocently! *Ex uno disce omnes!* Comment on the above is superfluous. It should be remarked, in justice to native Magistrates, that they are not altogether to blame for their failure to enforce their orders, when leading local pleaders appear for the accused. They are afraid of a "row," as they feel from experience that, in the event of a collision, they will probably undergo the fate of the earthen pipkin coming in contact with the iron

* "The general object of revision," remarked Sir James Stephen, when Legal Member in India, "is to discover and rectify any mistakes which may have been made in criminal trials *on points of law.* If, as ought to be the case, it is confined to cases in which *substantial injustice has been done*, I think this is a highly useful and indeed a necessary power." Sir James Stephen would be aghast, if he knew the extent to which this revisional jurisdiction is now abused, and the proportion of the time of the High Court, which is taken up by it. Proceedings are upset quite apart from the question whether substantial justice has or has not been done. There has been a very signal instance of this quite recently, in which some cases were transferred without sufficient grounds (as is manifest from the High Court judgment itself) from Durbhanga to Mozufferpore, thus casting a most undeserved slur on the local officers, causing needless expense and inconvenience, and throwing the whole administration out of gear. The Law Reports teem with similar instances.

pot. Even some Civilian Magistrates have not sufficient moral courage to insist on obedience to the law. If any unpleasantness occurs, affidavits are manufactured with a truly remarkable rapidity and ingenuity, and the worry and indignity of having to refute these affidavits *seriatim* is more than most men care to undergo. In case the Executive Government and the High Court should not be aware of the fact, it may be as well to affirm categorically, that *Native Magistrates are sometimes bullied by Native Pleaders, and intimidated into omissions to adopt procedure, such as the examination of an accused, which they know they ought to, and wish to, adopt.* This is a fact which may afford much food for useful reflection, if a Parliamentary Committee of Inquiry ever take up the subject of the Criminal Administration of the High Court and the Mofussil Courts.

Limitation.

Broadly speaking, the maxim *nullum tempus occurrit regi* is still applicable in England and India, but it is almost obsolete in other countries. Sir James Stephen mentions the case of Horne, who was executed for the murder of his bastard child 35 years after the commission of the crime, and he adds as a curiosity that, at the Derby winter Assizes in 1863, he held a brief for the Crown in a case in which a man was charged with having stolen a leaf from a parish register in the year 1803, but the grand jury threw out the bill. There appears to be only one instance of prescription in the Indian Codes, and that is the limitation of six months, when a court sanctions a prosecution for an offence against public justice under Section 195 of the Criminal Procedure Code. In no other case is there any absolute prescription, and the absence of any restriction is doubtless a defect in the Indian law. On this subject Beccaria remarks: "Those atrocious crimes, whose memory tarries long in men's minds, deserve, when once proved, no prescription in favour of a criminal who has fled from his country; but lesser and obscure crimes should be allowed a certain prescription, which may remove a man's uncertainty concerning his fate, because the obscurity in which for a long time his crimes have been involved, deducts from the bad example of his impunity, and the possibility of reform meantime remains to him." In England, in the case of almost all offences punishable on summary conviction, the complaint must be made or the information laid within six months. In Germany, there is a graduated scale of limitation, 20 years in the case of offences punishable with death or perpetual seclusion; 15 years in the case of crimes punishable with more than ten years' imprisonment; and ten years when the imprisonment is of lesser duration. Prosecution for delicts punishable with more than three months' imprisonment is

prescribed by the lapse of five years, and all other delicts by the lapse of three years. Certainly, offences such as defamation, adultery, enticing away married women, cognizance of which can only be taken on the complaint of the person injured, should be prosecuted within some fixed period; otherwise, threats of prosecution may be held out *in terrorem*, and money thereby extorted for an indefinite length of time. The Indian Legislature may well incorporate in the law some such provision as that contained in Sec. 61. of the German Penal Code (Strafgesetzbuch), which enacts that, *in all cases in which private sanction is necessary*, complaint must be made within three months from the time when the complainant came to know of the act *and its author*. The French, Belgian, and American Codes also contain various terms of prescription. In New York, there is no limitation for prosecutions for murder; but indictments for public offences must be found, in some cases within two, and in other cases within three years after the commission of the offence (New York, C. P. C. 140-144.) In Louisiana, prosecutions for all misdemeanours, except public offences, are prescribed by the lapse of three years from the commission of the offence, but if the indictment is for a crime, and the party is found guilty of a misdemeanour, the prescription does not apply. Prosecutions for attempts, as well as for injuries to reputation, rape, assault with intent to ravish, assault aggravated by injury to pudicity (equivalent to Sec. 354 of the Indian Penal Code), are barred by the lapse of one year. It should be noted that, under the Continental Codes, the prescription runs from the day the act was committed, but is interrupted by every proceeding of the Judge directed against the author of the criminal act. In Scotland, all offences are prescribed by the lapse of twenty years, unless the criminal has absconded (2 Hume, 136). In France, it is curious that all *punishments* are prescribed by the lapse of 20 years, but the released convict is not allowed to reside in the Department in which the injured party or his heirs reside, and the Government may direct him to live in some particular place. Punishments awarded by correctional courts are prescribed by the lapse of five years from the date on which the conviction became final. In India, punishments can be remitted, in whole or in part, only by the Governor-General in Council or the Local Government, and there is no legal prescription to any punishment, however long the term.

Trial of accused in his absence.

There is no such thing in India as the trial of an accused person in his absence. But if it be proved that he has absconded, evidence may be recorded in his absence, and such depositions may be given in evidence against him, if the attendance

of the deponents would cause an unreasonable amount of delay, expense, or inconvenience (Sec. 512, C.P.C.). In New York and Louisiana the depositions are read to the accused, and the witnesses are not summoned, unless (1) the accused so requests, and (2) the witnesses are within the State. (New York C.P C. 193;—Louisiana C.P.C. 172). In some countries, as Italy for instance, an absconding accused may actually be convicted, and sentence passed upon him in his absence. This principle, unknown in India, has been partially applied in England. For instance, Sec. 13 of the Summary Jurisdiction Act (11 and 12 Vic., c. 43) enacts that, if the defendant be absent, and service of summons be duly proved, the Justice or Justices *may either proceed to hear and determine the case in his absence*, or they may issue a warrant and adjourn the case until the apprehension of the defendant. Some such rule is required in India, but should, I think, be applicable only to summons cases. In all cases in which a summons is issued, the Magistrate may already allow the accused to appear by pleader (205, C.P.C.); and there may be many petty cases (for instance, prosecutions under local and special laws, in which merely formal proof of certain acts or facts is required), which, when witnesses are in attendance, should not be postponed on the ground of the absence of the accused. As regards cases of rioting, in which there are many accused persons, some rule should be introduced into the Indian Code as to the trial of absconders. The present system of trying the rioters in instalments, as they are arrested and sent up, entails needless labour and waste of the public time. On fresh accused being brought up, the recorded depositions should merely be read over, and the defence heard. This suggestion appears to be in accord with common sense, though doubtless it may elicit shrieks of horrified remonstrance from pseudo-lawyers, and those who are ordinarily supposed to have some acquaintance with the English criminal law. In England, the mode of punishing rioters is usually by indicting some of the ringleaders, and where the expense (this appears to us in India a very narrow ground) of trying a large number of persons is to be avoided, the remaining accused *may enter into a rule to confess judgment if their fellows are convicted!* (Anon. 3 Salk. 317; *R. v. Middlemore*, 6 Mod. 212; Loft. 44). The fact that England is not fettered by codes enables things to be done which may well cause the eyes of Indian judicial officers to glint, and the mouths of Police officers to water. The *licets* of a pliant and accommodating common law appear to be only one degree less far-reaching and comprehensive than the criminal revisional jurisdiction of High Courts in India. But then the common law is invoked in the interests of common sense and in furtherance of justice, objects which

count for something in other countries, whereas the revisional jurisdiction is exercised in favour of those accused or convicted persons, who have sufficient money to "make a motion,"—ill-used and oppressed creatures, who, having become the victims of some vile conspiracy solely on account of their guilelessness and spotless innocence, have been convicted on false and vamped-up charges by some wicked and bloodthirsty Magistrate, who, never having seen or heard of the parties before, must necessarily be influenced by personal bias and prejudice, and whose instincts, moreover, are so innately harsh and brutal, that he actually labours under the extraordinary and unpardonable delusion, that it is his duty to punish acts of high-handed violence, and to preserve the peace of his district! If false charges are so numerous as this revisional jurisdiction would seem to indicate, the Judges would do well to remove the illegal restrictions and technical pitfalls, which render it so difficult to procure convictions under section 211 of the Penal Code. *Boni judicis est ampliare jurisdictionem*—but unhappily all the amplification is in one direction, and that the wrong one.

Compounding offences.

In New York all misdemeanours (for which there is a remedy by civil action) may be compromised, except when they have been committed (1) by or upon an officer of justice, while in the execution of the duties of his office: (2) riotously; or (3) with an intent to commit a felony (C. P. C. 731). In England, section 188 of the Larceny Act (24 and 25 Vic., c. 96) and section 66 of the Malicious Injuries and Property Act (24 and 25 Vic., c. 97) enable a Justice to discharge an offender for a first offence, upon his making such satisfaction to the party aggrieved for damages and costs as shall be ascertained by the Justice. Now there appears to be much misapprehension in India as to the composition of offences, and as to the interpretation to be placed on the words 'compound' and 'composition' used in section 345 of the Criminal Procedure Code. This section provides that certain offences specified therein may be compounded by the injured person, but that offences not mentioned in the section shall not be compounded. But it is confidently submitted, that there is nothing in the law to prevent a non-compoundable case from being *withdrawn* for sufficient reason, and such cases are commonly withdrawn in England and the Presidency Courts of Calcutta. The words 'compound' and 'composition' must be read in connection with section 214 of the Penal Code. In the case of compoundable offences, the injured person may take a gratification in consideration of his not proceeding against the offender for the

purpose of bringing him to legal punishment. Composition denotes some mutual agreement on payment of a consideration. A complainant in a case of theft may be only too glad to compound on receiving a sum of money. Such a composition would, of course, be illegal. But, provided a Magistrate be satisfied that there has been no improper composition, there is no reason why he should not, for sufficient reason, permit charges of theft, cheating, and other cognate offences, to be *withdrawn*.

Every Magistrate must now and again have permitted such cases to be withdrawn, and it would often be useless, unwise, and even harsh to compel unwilling complainants to proceed. The procedure by which such cases are got rid of varies considerably, and affords a fine scope for ingenuity. The whole difficulty could at once be got rid of by the insertion in Chap. XXI of a section correlative to section 248 in Chap XX, which regulates the trial of summons cases. All the Continental Codes allow such withdrawals. For instance, section 247 of the German Penal Code enacts that those who commit theft or misappropriation to the detriment of their relatives, guardians, or teachers, as also the apprentice to the detriment of his master, cannot be prosecuted except on the complaint of the persons concerned, *and such complaint may be withdrawn*. Much nonsense is talked in this country about compounding felony, and, as is too often the case, the misuse or misunderstanding of English legal terms is responsible for the existing misapprehension. Private persons are not bound to give information of theft, criminal breach of trust, and cognate offences; but if they negotiate for the recovery of the property from the offender, and agree not to proceed against him, they might be punishable for abetment of an offence under section 215 of the Penal Code. There is an analogous but narrower provision in the English law. Under section 102 of the Larceny Act, 1861, a man who *advertises* a reward for the return of stolen property, and indicates that no questions shall be asked, is liable to forfeit the sum of £50 to *any person who will sue for the same by action of debt*. The printer and publisher of the newspaper are also liable. Here, then, is an openly-expressed intention to hush up a theft for a consideration, which it would be contrary to public policy to ignore. The Indian law, at least, goes far enough, and attempts to make it harsher, by reference to ill-understood English terms, are much to be deprecated.

Another point calls for notice in connection with the ruling reported at I. L. R. 10 Cal. 551. In this case the Police sent up some accused under Sec. 448 of the Penal Code, and the High Court held that an application to withdraw, *made before any evidence had been taken*, should have been allowed. The Judges did

not say where the line was to be drawn, and the logical conclusion is, that such an application must be allowed *at any stage*, even after all the witnesses have been heard on both sides. Of course, such an application as the above might, and would, be granted for sufficient reason, but when once accused persons have been summoned and are before a Court, it is entirely in the discretion of the Court to allow the complainant to withdraw or not. The complainant need not have recourse to law, but may settle his injuries amicably. But if he actually has accused persons summoned, his withdrawal is dependent on the discretion of the Court. There might be very strong reasons for refusing such a withdrawal. That this is so, is manifest from Sec. 248, C. P. C., which shows that. even in the pettiest cases, a complainant cannot withdraw without the permission of the Court. Offences under Secs. 493—496, P. C. (bigamy, &c.) are not mentioned in the Table under Sec. 345, C. P. C., and yet they are offences of which a Court cannot even take cognizance except upon complaint (Sec. 198 *id.*) An injured party need not prosecute for bigamy, but, if he does so, the matter is then beyond his control, and he can only withdraw with the permission of the Court. This fact is strongly in support of what has been urged above, namely, that Magistrates may, for sufficient reasons, permit certain non-compoundable cases to be withdrawn. Those who are acquainted with the lax practices rife among the lower classes of Mohamedans in Eastern Bengal, and generally among low-caste Hindus everywhere, will at once admit the absurdity of pressing a charge of bigamy, when the complainant wishes to withdraw, and yet, if certain High Court rulings are sound, there can be no withdrawal. I once heard of a Mohamedan *khansamah*, who had married and divorced three *nika* wives in the course of two years. Each ceremony had cost him one rupee (8 annas for the Mullah, 4 annas for the Vakil, and 4 annas for the witness)! It would scarcely be in accord with public policy to commit one of these legalised concubines for bigamy, supposing she had committed the offence, and her forgiving husband did not wish to press the charge against her! Again, it will be seen from the schedule, that not a single offence in Chap. XIV of the Penal Code is compoundable. This chapter relates to offences affecting the public health, safety, convenience, decency, and morals. Section 345 of the Procedure Code enacts that no offence, not mentioned in the Table therein contained, shall be *compounded;* but it would be absurd to hold that a prosecution, once instituted under Chap. XIV, many sections of which are punishable with fine only, cannot be *withdrawn* even with the permission of the Court. It is, of course, easy to see why unlawful compositions should not be

allowed in the case of offences affecting the public; and the discretion of allowing withdrawals or not, must rest with the Courts. But, if cases once instituted could under no circumstances be withdrawn, the Indian law would be marked by a spirit of revenge alien to every other civilised system of criminal law. The want of a specific section for permitting withdrawals in warrant cases, is a matter that should attract the attention of the Legislature. If the views above expressed regarding the power of Courts to permit withdrawals be not correct, then the Legislature should lose no time in enlarging the list of offences under section 345, C. P. C., which may be compounded with the permission of the Court.

Preventive jurisdiction.

The subject of preventive jurisdiction is of great importance in all countries, and especially so in India, where serious breaches of the peace and other offences are often prevented by timely information and precaution. In India owners and occupiers of land not only lie under special obligations to report certain occurrences happening within their own villages; but the Penal Code holds them responsible for unlawful assemblies and riots taking place on their land or for their benefit, if, having reason to believe that such occurrences were about to take place, they have not used all lawful means in their power to prevent them. If, however, disputes concerning land be excluded, it is probable that the powers of private persons are narrower, and their duties and obligations to render assistance of a less onerous nature than in other countries. For instance, in India (C. P. C 59), a private person cannot arrest an offender, unless the latter has in his view committed a *non-bailable and cognizable* offence. In England the law appears to be that a private person may arrest even for misdemeanours committed in his presence, excepting such as consist in mere omission or non-feasance, as, *e. g.*, neglecting to provide one's family with food. And, with regard to felonies, he can arrest if a felony has in fact been committed, and he has *reasonable cause* for believing the person arrested to have committed it. A private person, therefore, has the same power as a Police officer in India (54 C. P. C.), and the law is equally wide in New York. In Louisiana (59 C. P. C.) a private person may arrest any one in the act of committing a *crime*. This is far wider than the Indian law, as crimes in Louisiana mean all offences punishable with rigorous imprisonment, or with forfeiture of any civil or political right, and therefore include many offences which, under the Indian law, are either bailable or non-cognizable. In England, even in the case of an *attempt* to commit felony, every person is bound to arrest the offender

(1 Hawk. P. C. 59, 2 ; Year Book, 9 Edw. iv., fol. 26, pl. 36). Whatever may be thought of the advisability of extending the powers of private persons in India, village chowkidars should most certainly be invested with the same powers of arrest as Police officers. As the law stands, thieves and house-breakers arrested in the act by private persons cannot be made over to village-watchmen, it having been held that the latter are not Police officers within the meaning of the Criminal Procedure Code. But, as a matter of fact, this is done every day, and, were it not done, the police work of the country would come to a stand still. The Legislature should lose no time in legalizing a necessary and existing practice.

As regards other obligations to assist the Police, the law is far more sweeping in France and Belgium than in England. In India (42 C. P. C.) every person is bound to assist a Police officer reasonably demanding his aid (*a*) in arresting any person: (*b*) in preventing a breach of the peace or any injury to public property ; or (*c*) in the suppression of a riot or an affray. Section 220 of the Louisiana Penal Code imposes similar duties on "free able-bodied male persons above 18 years of age and under 50" In England the law is much the same as in India, but neither in England nor in India can persons be punished for refusing to give aid in cases of accidents, fires, &c. In France and Belgium it is a Police contravention of the second class to refuse to give aid in such cases, and also in cases of inundation, shipwrecks, tumult, robbery, pillage, flagrant delicts, public clamour, or execution of judicial orders. But it has been ruled by the Court of Cassation in Paris (Cass, 13th May 1854) that the accidents, in respect of which aid can be demanded, must be in the nature of *public calamities*,—accidents which are likely to compromise the peace or the public safety; that a private person, for instance, cannot be punished for refusal to carry on a litter the corpse of a man killed on the highway. In India, the Legislature might with advantage impose an obligation to render assistance in cases of fire. The houses are for the most part built of inflammable materials, and in the hot season fires are of common occurrence and spread with alarming rapidity. Having regard to the character of the people, the rigour of the French and Belgian Codes might be softened down by inserting the words "without exposing themselves to serious danger," which occur in the German Penal Code after the words, "being able to render assistance."

Security to keep the peace.

In India accused persons can be bound down on conviction for certain offences ; but otherwise, a man can be bound down only if it is proved that he is likely to commit a breach of the

peace, or to do any wrongful act that may probably occasion a breach of the peace. The procedure, in these cases, is most tedious and elaborate, and exactly the same as that of a regular trial. The High Court has ruled that the order for security cannot be passed *ex parte;* if the person fails to obey a summons, a warrant must issue. Moreover, orders are sometimes upset for non-observance of technicalities in the framing of the order *et simulia*, though it is a well-recognized rule of interpretation (to be found in Dwarris, Maxwell, and Wilberforce) that, where the prescriptions of a statute relate to the performance of a public duty, they are understood as instructions merely for the guidance and government of those on whom the duty is imposed; in other words, they are to be considered as directory merely, and not imperative. And yet Indian Judges have in some instances ruled them to be imperative, and have actually quashed orders in the teeth of the provisions of Sec 537 of the Procedure Code, which enacts, that no order shall be upset on the ground of an irregularity, unless such irregularity has occasioned a failure of justice. In England Justices, *even in dismissing a charge of assault*, may, if they see sufficient ground in the evidence, bind over the defendant to keep the peace (Exp. Davis, 24 L. T., N. S., 547.) No separate proceeding is necessary as in India. In a case reported in the *Times* last year, Hawkins J., after having acquitted a defendant, at once proceeded to bind down *both the prosecutor and the defendant* to be of good behaviour for one year! Such facts as these should explode the idea that the English law is more indulgent than the Indian. A Magistrate in India, after having recorded voluminous evidence in a riot case, may be of opinion that the accused, though entitled to an acquittal, yet ought to be bound down to keep the peace. But the High Court have ruled that a separate proceeding must be instituted, and he must hear the evidence over again! In the face of such rulings (needlessly making work and causing waste of the public time) it cannot in fairness be urged that judicial establishments (civil or criminal) require any increase. The present staff is amply sufficient to perform the work required, if only the codes are properly administered and their provisions reasonably interpreted. A case is reported in which a Magistrate, after deciding a dispute regarding possession under Sec. 145, C. P. C., bound down the unsuccessful party to keep the peace. The order was upset by the High Court. The person ordered to give security had virtually had the fullest opportunity of showing cause, and to have resummoned witnesses and started afresh, would have been simply ludicrous as well as a most sinful waste of the public time! It is such "impossible" rulings as these that create work and throw obstacles

in the way of successful criminal administration in the mofussil. The codes, as at present interpreted, bid fair to become a curse instead of a blessing to the country. As if to mock the intention of the Legislature, the very matters, in which a District Magistrate is intended to exercise his discretion, unhampered by appeals to the Sessions Court, are just those in which the High Courts most constantly interfere in the exercise of their revisional jurisdiction.

Security for good behaviour.

"Police," says Bentham, "is in general a system of precaution, either for the prevention of crime or of calamities;" and Livingston has remarked, in his Introductory Report to the Louisiana Code of Criminal Procedure, that the true end of penal jurisprudence is to prevent crimes. Continental police systems may, to English ideas, savour too much of arbitrary interference, surveillance, and *espionage;* but the spread of socialism may necessitate the partial introduction into England of some such system, and it must, at any rate, be admitted, that in the large cities of the Continent, the streets are kept free from nuisances and annoyances of many descriptions, which have gained for London an unenviable notoriety. "To the word *espionage*," says Bentham, "a stigma is attached. Let us substitute the word *inspection*, which is unconnected with the same prejudices. If this inspection consists in the maintenance of an oppressive system of police, which subjects innocent actions to punishment, which condemns secretly and arbitrarily, it is natural that such a system and its agents should become odious. But, if the inspection consists in the maintenance of a system of police for the preservation of the public tranquillity, and the execution of good laws, all its inspectors and all its guardians act a useful and salutary part: it is only the vicious who will have reason to complain, and it will be formidable to them alone."

As the reign of law becomes stronger, detection and punishment more certain, there is less reason for the application of exceptional remedies. But preventive jurisdiction, whether police or magisterial, must always form an important element of criminal procedure. An opinion appears to prevail in India, even among the highest judicial officers, that the provisions in the Indian Code regarding bad livelihood are harsh or, at least, exceptional. But, as a matter of fact, they appear to be less stringent than similar provisions in the English law, and far less so than the Continental law. The English law has always been very wide, and justices used to imprison persons, whose conduct did not cause any breach of the peace, though in other respects "suspicious and reprehensible." (Crompt.

121, 126; Fitz. 7) Dalton tells us that he had, as Justice, once ordered sureties for good behaviour from a man who bought ratsbane, and mixed it with corn to poison his neighbour's fowls, and "the whole bench" held it to be a very good reason, and so did the Judges of Assize in similar cases. This certainly appears to be sterling common sense, and it is much to be regretted that the words "dangerous character," which formed part of the corresponding section in the Code of 1872, have been omitted in the Code of 1882. Those words justified the demand for security from professional cattle-poisoners and forgers, and perhaps also from professional incendiaries, case-mongers, and habitual false witnesses. Hawkins (1716) said that a Justice had a discretionary power to take surety for good behaviour from all those, whom he had just cause to suspect to be *dangerous*, quarrelsome, or scandalous;" and in 1808, the Judges gave a unanimous opinion that, on conviction for *any misdemeanour*, the Court might order the defendant to give security for his good behaviour for a reasonable time (*R. v. Hart*, 30 St. Tr. 1131, 1344). The Calcutta High Court have upset orders in which a convicted thief has been ordered to give security, holding that a separate proceeding is necessary, and evidence must be taken over again. On the other hand, the Allahabad High Court have allowed such orders to stand. In some cases High Court Judges have spoken of the bad livelihood provisions of the Indian Code in such a manner as to betray a truly abysmal ignorance of the English law contained in the Penal Servitude Act, 1864 (27 and 28 Vic., c. 47), the Habitual Criminals Act, 1869 (32 and 33 Vic, c. 99), and the Prevention of Crimes Act, 1871 (34 and 35 Vic., c. 112). It would occupy too much space to detail the provisions of these statutes at length, but they are of such a character as to make the mouths of Bengal Police officers water. Previously convicted persons may be arrested without warrant, if there is *cause to suspect* them of getting their livelihood by dishonest means; and if it appears to a Court of Summary Jurisdiction that there are *reasonable* grounds for believing this, *they may be sentenced to one year's imprisonment.* Under the 8th Section of the Prevention of Crimes Act, every convict at large on license, and every person under sentence of Police Supervision, must notify his residence and any change of residence; and if a male, *must also report himself* once a month to the chief Police Officer of the District, or some person appointed by him. The English law classifies bad characters, as (1) vagrants, (2) rogues and vagabonds, and (3) incorrigible rogues. The latter are twice-convicted rogues and vagabonds. A rogue and vagabond is one who, having been convicted as an idle and disorderly person, (1) practices imposition by pretending

to tell fortunes; (2) has no visible means of subsistence, and cannot give a good account of himself; (3) wilfully exposes his person; 4) asks for alms; (5) runs away and leaves his family chargeable to the parish; (6) plays or bets in a street at any game or pretended game of chance; (7) has in his possession any implement with intent feloniously to break into any house; or (7) is found in any dwelling-house, out-house, yard, &c., for any unlawful purpose. Justices may imprison vagrants for a month, rogues and vagabonds for three months, but they must commit incorrigible rogues to the next general or Quarter Sessions, and the Justices there assembled may order them to be whipped and imprisoned for one year.

In France and Belgium vagrancy (le vagabondage) is a substantive offence. Persons declared vagabonds are, for that fact alone, punishable with three to six months' imprisonment, and on their release, remain under Police supervision for from five to ten years. Almost all convictions may carry with them a sentence of Police supervision (la surveillance de la haute police); and such a sentence gives the Government the right to forbid the offender from going to certain places. Fifteen days before his release, he must declare where he intends to reside, and on his failing to do so, the Government fixes a place for him, and he cannot leave it before the expiry of six months. He may then go to any place not prohibited, provided he informs the Mayor eight days beforehand, but he must, in the absence of special permission, stay the full period of six months in each of the places successively chosen by him. Every released convict receives a passport (feuille de route), prescribing a certain route, and the duration of the stay to be made in each place on the way; and he must appear before the Mayor of the Commune, in which he intends to reside, within 24 hours after his arrival. *Disobedience to any of the above provisions subjects him to imprisonment not exceeding five years!* So in Germany, those who, being placed under Police supervision, disobey the prohibitions of the Head of the Police, are liable to imprisonment. The Police have the right to prevent them residing in certain specified places, and may at any time make searching visits in their houses.

In New York vagrants must be committed to the poor-house for a period not exceeding six months with hard labour. But if they are notorious offenders, or not proper objects for poor-house relief, they must be committed to jail for a like term. In the Louisiana Code, a vagrant is defined as one who, having no visible means of subsistence, lives in idleness, or in the practice of drinking or gaming, and who, *by the whole of his conduct and character, gives just reason to believe that he gains his subsistence by illegal means.* If such person cannot give a satisfactory

account of himself, he is required to report himself to the Magistrate, and to show, within three days, that he has adopted some regular means of livelihood, or to leave the district, or to give security for his good behaviour. If he fails to perform one of these conditions, he is to be sent to the House of Industry for sixty days, or until he finds security for his good behaviour, or that he will leave the State and not return within two years. If after his discharge the party shall again be found in a state of vagrancy, either in the same or in any other district in the State, he is, after like inquiry, to be sent to the House of Industry for six months; and the same process is to be repeated as often as the same kind of life is resumed. But no person is to be deemed a vagrant who, from bodily infirmity or infancy or old age, is unable to gain a livelihood by labour. The French law is, perhaps, more stringent than any other in dealing with beggars and vagabonds. Where they are found under such circumstances as to raise a violent presumption of their having committed, or being about to commit some offence, for instance, if they are found in possession of things worth more than 100 francs, and cannot explain whence they got them, they are punishable with from six months' to two years' imprisonment. If found carrying arms, or having keys or other instruments suitable for the commission of crime (propres à commettre) or for entry into houses, they are punishable with from two to five years' imprisonment. (Code Pénal, 277 seqq.)

Now it is an astonishing fact, to which the Legislature should direct their attention, that there is absolutely no legal basis in India for the supervision of released convicts* and

* I refer to those who have completed their sentences. When a sentence is partially remitted, it may be on such conditions as the Local Government like to impose (s. 401, C. P. C.). In most continental countries, Police supervision is a substantive punishment, which the Court imposes, when giving sentence, and, in the case of certain grave offences, is bound to impose. There are two punishments, frequently awarded by correctional Courts in Italy, which might with advantage be adopted by the Indian Legislature. One is called confinement, and the other local exile (l'exil local). A sentence of confinement obliges the offender to live in a particular commune specified by the Court, which must be at least 1½ myriameters from the place where the offence was committed, from his own commune, and from the commune of the injured party. *L'exil local* leaves the offender to live where he pleases, provided it be not less than three myriameters distant from the above communes. Disobedience renders the offender liable to be arrested and imprisoned for the remaining term of the sentence. In England an offender may be bound down to come up for judgment if and when called upon. This too is a very salutary provision, which is required in India. In all these cases the deterrent effect is continuing, and society benefits accordingly. But in India sentence must be pronounced at once. Clemency shown by the Court may be abused, and a man who has undergone perhaps a merely nominal punishment, is not subject to any further deterrent influences. M. Marcy, in his commentaries on the Italian Codes, says that one of the objects of a sentence of Police supervision is to prevent the released convict from annoying or taking revenge on the complainant, witnesses, or jurors in the case. This fear often prevents good witnesses from coming forward in India, a fear which is all the stronger owing to the fact that so many guilty persons escape on appeal or revision.

bad characters. Rules are made in Bengal by the Executive Government through the Chief of the Police, but surely, when the Codes contain no authorization, this is opposed to constitutional law. When a Magistrate has decided a non-bailable police case, the Court Sub-Inspector produces a book, and asks "*if the man is to be entered in black ink or red ink*," that is, is he merely to be enrolled in the *Budmash* Book, or is he periodically to be "looked up?" "Looking-up" is often a synonym for unwarrantable interference and annoyance, and the way some thana officers "look up" these men is to sit on their haunches at the thana and send Chowkidars to fetch them. It is doubtless very necessary that the movements of these released convicts and suspected characters should be closely watched; but, as has been pointed out, the system should be placed on a legal basis. The best remedy would be to add Police supervision to the list of substantive punishments in the Penal Code. These *budmashes*, or known depredators (as they are termed in the Madras Presidency) sometimes present petitions to the Magistrate, asking that their names may be struck out of the *Budmash* Register, on the ground that they are living as ordinary members of society, and earning an honest livelihood. Now, this is a subject on which some other Codes contain special provisions For instance, there is a chapter in the French Code of Criminal Proceduce enacting how convicted persons may be restored to all the rights and privileges they possessed before (la réhabilitation des condamnés). Twice-convicted persons are not permitted to demand rehabilitation. Those who have been condemned to a severe or degrading punishment (peine afflictive ou infamante) can only demand it on the expiry of five years from the day of their release, and those who have suffered a correctional punishment (peine correctionelle) on the expiry of three years. Petitions in India are generally sent to the District Superintendent of Police for disposal or report, but, as has been remarked, the whole system appears to be without any legal authority. The Courts cannot legally impose surveillance or supervision, and it is therefore ludicrous to adjudicate on petitions asking for relief therefrom. If the surveillance is so open, or of such a nature as to interfere with the liberty of the person watched, the Magistrate is justified in treating it as a criminal offence, at least, until the Legislature shall have authorized such supervision. Legislative authority may be delegated to the executive, and such delegation is a marked and increasing characterstic of the laws of civilized countries. But the authority must be specifically delegated in some section of some law before the Executive or Police authorities can frame rules and restrictions concerning the matters so delegated.

Nuisances and disputes concerning possession.

Chapters 10, 11, and 12, of the Code of Criminal Procedure, relating to public nuisances and disputes concerning the possession of immovable property, fall under the head of preventive jurisdiction. It might be pointed out at great detail how the jurisdiction of Magistrates has been curtailed, and the intention of the Legislature *pro tanto* defeated, by the High Court. In the case of Secs. 143 and 144, the Legislature has enacted, in emphatic and unequivocal terms, that such orders are not liable to revision; and yet, notwithstanding such prohibition, applications for revision are entertained by the High Court. They were similarly entertained under the former Code, in spite of a previous Full Bench ruling (I. L. R., 2 Cal., 293) that the High Court could not interfere with such orders on any ground. The importance of a section, such as Sec. 144, in a country like India, cannot be over-estimated. This section enables Magistrates to issue prohibitory orders or injunctions, when they consider that they are likely to prevent obstruction, annoyance, or injury, to any persons lawfully employed, or danger to human life, health, or safety, or a riot or an affray. Section 133 deals principally with the removal of obstructions or encroachments on public ways: and the High Court have done much to nullify the benefits of this section by ruling that a plea of title ousts jurisdiction. That this ruling is due to a misapprehension of the English law, I shall be able to show when discussing the offences of mischief and criminal trespass under the Penal Code. The spirit of encroachment is very rife in India, and all a man has to do now, is to deny that the road is a public one, though it be notorious that the public have used it from time immemorial (I. L. R., 12 Cal., 137). It is true the rulings state that the plea must be made *bonâ fide*, and the Magistrate may, and often does, find that it is not so made. But the finding of the only Court that can come to a proper finding on such a point is not accepted. The Legislature intended magisterial orders under this section to be final; but the High Court have ruled otherwise, and allow what is virtually an appeal in this and many other cases, in which the Code distinctly says there is no appeal (s. 404, C.P.C.):—

"Sic volo, sic jubeo; stet pro ratione voluntas!"

Similarly, under Sec. 145 C. P. C, two somewhat impossible rulings have recently been passed by the High Court. It had previously been ruled a dozen times, that proceedings under this section must be prompt and summary, and that a Magistrate must not hold a lengthened and protracted investigation. Yet a Magistrate's proceedings were

upset, because he had refused to summon some 250 witnesses, whose examination would have converted the proceedings into a long, contested civil suit (I. L. R., 11 Cal., 762); and this was done, though the Judges remarked that the proceedings were probably to be regarded as summons cases, *in which the parties must produce their own witnesses!* Any comment on this is superfluous. The Judges further held that the Magistrate was bound to hear the arguments of pleaders at the close. In this they were obviously wrong, as the Code lays down that it is only in defence of an accused person that a pleader has any right to appear (S. 340). Even in *trials* before a Magistrate (S. 256), a pleader has no absolute right to make a speech or argue the case; but this right is specifically given in Sessions trials (S. 290). In another recent ruling (I. L. R., 11 Cal., 365, it has been held, in an inquiry under Chap. 12 of the Procedure Code, that the Magistrate must recognize forcible and wrongful dispossession! This ruling should, without delay, be submitted to a Full Bench, as it is already doing much mischief, and there are many rulings to a diametrically contrary effect. Such a ruling will lead to unlawful assemblies and riots, whereas it is the object of the Section to prevent them. Actual possession means more than mere naked manual possession. It is equivalent to the *justa possessio*, or *bonâ fide possessio*, any disturbance of which was a ground for a summary interdict under the Roman law, no matter in whom the title might eventually be proved to be. Such a ruling as the above could not have proceeded from any Judge acquainted with Savigny's Treatise on Possession. The Judges who delivered it were a Civilian and a Native, and it virtually enacts that a man may acquire actual possession by acts amounting to criminal offences! Actual possession is equivalent to *bonâ fide possessio* rather than to possession, which has originated *vi, clam, vel precario. Violenta possessio* can no more be recognized than *clandestina possessio.* A thief has mere *possessio*, but he has no *actio furti.* It is much to be regretted that some knowledge of Roman law and jurisprudence is not made a *sine quâ non* for the holding of high judicial office in this country. The Regulation of 1793 recites the danger to the public peace arising from landholders asserting *by the strong hand* their claims to the possession of land, and prescribed a form of summary resort to the Dewany Adalut; and Regulation XV of 1824, dealing with a greater urgency, transferred the cognizance of such matters to the Faujdari Adalut, and this jurisdiction was continued by Act IV of 1840, and all the Codes of Criminal Procedure since passed. The High Court very forcibly remarked in one case (I. L. R., 4 Cal., 417): "The Deputy Magistrate seems to think that if two parties

come forward—one being lawfully in possession, and the other struggling for possession—and the latter succeeds in ousting the former, he is to recognize the stronger and successful party as the one to be maintained in possession, although such possession has never been acquiesced in, and the struggle for it is in fact that which caused him to interfere." * Such contradictory rulings do an infinity of mischief, increase litigation ten-fold, and cause the Courts to stink in the nostrils of the people.

There are some rulings regarding summary trials, which make it somewhat hazardous for Magistrates to resort to this procedure even in those cases for which it was clearly intended. Many cases of theft can no longer be tried summarily, owing to the provision that no sentence of imprisonment exceeding three months can be passed on a summary trial. It is much to be regretted that summary jurisdiction should be narrowed at a time, when it is receiving great extension and amplification in England, and when the general complaint is that Government officers are overworked. However, there is no reason why the case-law should place any further obstacles in the way of such jurisdiction. There are several rulings to the

* From the Report of the Select Committee on Act X, 1886 (to amend the Criminal Procedure Code and other laws), it appears that several Local Governments brought this monstrous and indefensible ruling to the notice of the Government of India, and asked them to nullify its mischievous effects by legislation. Another absurd ruling—that a Magistrate cannot institute proceedings under Section 107 C. P. C. against anyone who happens to be outside his district—was also brought to notice. But, as the Code was not being generally revised, no action was taken. It is much to be regretted that the executive have no means of compelling a Full Bench ruling, or that the Chief Justice does not of his own accord form a Full Bench in such cases as the above. The case-law, for instance, under Section 211 of the Penal Code is a travesty on law and justice, and a scandal to a civilized administration. In Germany, such matters are taken up and disposed of by a standing Legislative Commission, so that there is never any doubt as to what the law is. Mr. Pollock (Essays in Jurisprudence and Ethics) suggests that doubtful points and conflicting rulings should be decided by direct legislation (in India we have ready to hand the means for speedy legislation); or that there should be a Ministry of justice or Legal departments, whose duty it would be to place such matters before the Court of Appeal. At present hardly anybody in England knows the law he lives under. Lawyers are perplexed for years between the conflicting decisions of co ordinate Courts. Law being made in England mostly through litigation, the casual exigencies of litigation determine what parts of it shall be filled up, and what left incomplete. Gaps are by no means confined to places where one would expect them. All kinds of curious little questions receive elaborate answers, while great ones remain in a provoking state of uncertainty. Cases which seem about to settle a grave doubt, once for all, take an unexpected turn, and go off perhaps on a minute point of practice. But, in India, there is no possible reason why uncertainty should last for any length of time. The so-called tinkering of a few sections removes that uncertainty, which is the most fruitful source of litigation.

effect that no Magistrate is entitled to split up an offence into its component parts for the purpose of giving himself summary jurisdiction (I. L. R., 4 Cal., 18, &c.). This proposition is not open to objection ; but where the same act falls under different sections, some of which are triable summarily, and are *no less heinous* than those not triable summarily, the Magistrate is justified in adopting the summary procedure. For instance, five men forcibly carry away a crop, and in doing so commit hurt. They may be guilty of riot, but they are also guilty of theft (a more heinous offence than riot) and hurt, and there is no reason why they should not be triable accordingly. If it be said that the facts constitute riot (not triable summarily), it may be replied with equal truth that they also constitute dacoity, and *that therefore the Magistrate is bound to commit to the Sessions*, which is a *reductio ad absurdum!* Every case of theft in a house (Section 380, triable summarily) falls also under Section 451 P. C. (not triable summarily). It is a great pity that rulings should be given, which partially nullify the statute-law and place obstacles in the way of the smooth and speedy administration of justice. The Penal Code is very comprehensive, and the same act often falls under half a dozen different sections. Moreover, the interpretation put on Section 530 (q) C. P. C., is obviously unsound. From the whole of the Section, as well as from each illustration given in it, it is clear that the meaning is, that a Magistrate's proceedings shall be void, if, *not having been invested with summary powers*, he tries an offender summarily. It were absurd and monstrous to hold that a Magistrate's proceedings are void, because he tries a case of riot as one of unlawful assembly, and yet they are valid, when he transfers a case, or takes cognizance of offences without being empowered by law to do so (s. 529). The words "empowered by law" in this section also prove the unsoundness of the interpretation alluded to above.

There are numerous points on which a comparison of the Indian law with the laws of other countries, is most instructive. In the light and by the aid of such comparison, a Code of Criminal Procedure might be prepared, which would approach absolute perfection as nearly as anything human can do. The defects of one Code might be remedied and supplemented by the superior provisions of another, and so on. An exhaustive examination and criticism of variations and differences would occupy a large volume ; but a few of such differences may be briefly noticed under certain important heads of procedure.

Pardon.

A point in which the Continental Codes are superior to the English or Indian law, is in holding out to accomplices

strong inducements to give information. In India pardon can be offered only in heinous cases exclusively triable by the Court of Session, and this can only be done by a Magistrate of the first class inquiring into an offence, which has actually been committed. The French Penal Code contains clauses in a number of cases, enacting that guilty persons will be exempt from punishment, if, before the completion of the offence, and before the institution of any investigation, they inform the authorities, or even if, after commencement of prosecution, they procure the arrest of the guilty persons. No doubt the Indian police often send up an implicated person as the principal witness; but if this were not done, the case would perhaps not be sent up at all; and it is not fair to find fault with them, as is sometimes done, for producing the best evidence available. What is required in India is that the power to pardon should be extended to all warrant cases, and that the commission of offences should be *prevented* by the certain knowledge that information must procure a pardon. It may be added that persons, who thus give information in France, are nevertheless liable to be placed under police* supervision for life or for a term.

Verdicts of juries.

In France, Belgium, Italy, and parts of America, as in India, a majority of the jury suffices for a conviction; but in English criminal trials it is necessary that the jury should be unanimous. It is quite possible that trial by jury may gradually disappear in criminal, as it has in a great measure disappeared in civil, cases in England. Many of the best lawyers and jurists, as well as the most celebrated statesmen, are strongly opposed to it, and every succeeding year sees fresh failures of justice which are so many additional nails driven into the coffin of trial by jury. In India the Legislature has to a great extent eliminated—or it would be more correct to say, has intended to eliminate—any possibility of failures of justice from ignorance, perverseness, or corruption, by providing that the Judge *shall* submit the case to the High Court, when he disagrees with the jury so completely as to consider it necessary for the ends of justice.* In dealing with a case so submitted, the High Court may acquit or convict the accused of any offence of which the jury could have convicted

* As a matter of fact, Sessions Judges frequently refrain from referring simply on the ground that the jury are unanimous. They thus infringe a distinct direction of the law, an infringement which nothing can absolutely excuse, but which is palliated by the fact that they so often find it useless to refer, the High Court rulings having considerably modified and narrowed the statute law.

him upon the charge framed and placed before it. But, as a matter of fact, the High Court often refuse to interfere, though it is clearly demonstrated that the verdict is patently wrong and absolutely unsustainable. A case is reported in the Indian Law Reports, in which the High Court refused to interfere with a verdict of acquittal in a case of forgery. The facts in this case absolutely precluded the possibility of the man being innocent. He had been twice convicted by a jury in Hooghly, and twice retrial was ordered on the ground of misdirection by the Sessions Judge (who is now a Judge of the High Court). Eventually the case came before a Burdwan jury, and the man was acquitted. The Judge, in referring the case, demonstrated the perverseness of the verdict beyond a doubt, and showed that the man was guilty from the answers given by the jury to certain questions put to them under section 303, C. P. C. Yet the High Court Judge, before whom the case came, refused to interfere, apparently being of opinion that such interference was opposed to the principles of English law! What rendered the failure of justice more conspicuous was an attempt of the Judge to justify his action by previous rulings, though, had he known the case-law properly, he would have seen that it was his duty to upset the verdict (14 B. L. R. App. 2, *note;* 13 B. L. R. App. 19; 20 W. R. Cr. 73; 2 C. L R. 518; I. L. R., 1 Bom. 10). In the last case West, J., who is a jurist as well as a sound lawyer, showed that the English law was that the verdict of a jury should not be set aside, unless it be perversely and patently wrong, or may have been induced by an error of the Judge. He remarked:—"We think that by our rectifying a jury's verdict in a proper case, we shall increase, not diminish, their sense of responsibility. Burke, profoundly versed in the principles of the British constitution, said of juries: 'I will make no man, nor any set of men, a complement of the constitution.' In this country *we must never let our acquiescence grow into a betrayal of justice.* When juries know that their verdicts are liable to the scrutiny and supervision of this Court, they will feel the necessity of exercising conscientious deliberation in arriving at their verdict. The same check will prevent temptations to a wilfully wrong verdict from being held out to them. *It is our duty, in the present case, to satisfy ourselves that the verdict of acquittal is proper, or at least sustainable; and if we find that it is not, the law enjoins on us to set it aside and pass the right judgment ourselves.*" In the case above referred to, the verdict was not only improper and unsustainable, *but was shown to be perversely wrong.* The mischief done by an erroneous High Court decision of this sort is not confined to the miscarriage of justice, and consequent encouragement

to evil doers and injury to individuals in the particular case, but it is stereotyped in a Law Report and ramifies in all directions. The ruling is pressed by Pleaders on Sessions Judges, who are perhaps deterred from submitting cases against their better judgment. In France, the verdict of a jury is final only if it is clear, consistent, and categorical (Cass., 9th May 1882, *et passim*); or when it is neither contradictory nor ambiguous (Cass., 29th April 1819); or when it completely and entirely disposes of all the charges (Cass., 6th December 1867). In France the jury find the facts, as well the existence of states of mind (circonstances de moralité), and the Court of Assize decides what is the legal effect of such facts. The object of the questions, to each of which the jury must answer 'Yes' or 'No,' is to constitute, when taken with the answers, a statement of facts which will enable the court to discharge their duty. The result, therefore, of a French trial by jury is not to get a verdict of guilty or not guilty, but to get the facts of the case stated in a form analogous to a special verdict in England, or to a special case in civil matters. If facts are proved at the trial, which, though distinct from, are accessory to, the principal accusation, questions may be put to the jury on them. For instance, on a charge of robbery, a question may be asked as to receiving stolen property, and on a charge of infanticide a question as to the suppression of the *état civile* of a child (concealment of birth). It will thus be seen that, in the forgery case above alluded to, the Sessions Judge could actually under the French practice have recorded a verdict of guilty on the answers given by the jury to the questions submitted to them. Art. 391 of the Louisiana Code of Criminal Procedure enacts that, "if a verdict of acquittal shall be given on any act of accusation so defective, that no judgment could have been given against the defendant if he had been convicted, he shall not be discharged, but may again be indicted and brought to trial for the same offence." Art 395 is as follows:—"In like manner, if the jury bring in a verdict that is neither an acquittal nor a conviction, nor a special verdict, the Court may direct the jury to reconsider the verdict, and it shall not be recorded until it is brought in in some form *from which it can be clearly understood* what is the intent of the jury, whether to acquit, to convict, or to state facts and leave the judgment to the Court." In India a Judge may put questions to ascertain what a verdict is, but this is done after the jury have returned a verdict. It would be far safer, in a country like India, to adopt the procedure of the French law, and merely to call on the jury to find the facts, in answer to specific questions, leaving the Judge to consider the legal effect of the facts so found. In Scotland (2 Hume, 308) the jury consists of fifteen,

and a majority suffices, and there is an intermediate verdict of "not proven," which is substantially a verdict of "not guilty," and is *res judicata* barring another trial. In France, the jury consists of twelve, and if the numbers are equal, the accused gets the benefit. A majority also suffices in some of the States of America, so that the rule in India is by no means isolated or peculiar, though it may be indefensible in the eyes of those who are wedded to the idea that English law is the perfection of human reason.

The summing up of a Sessions Judge in India is often found fault with, because it indicates his opinion too strongly. But in England this practice is notorious. There is seldom any doubt as to what the opinion of the Judge is, and it is invariably stated that the Judge summed up strongly for a conviction or the reverse. "The Judge," says Sir James Stephen, "ought not to conceal his opinion from the jury, nor do I see how it is possible for him to do so, if he arranges the evidence in the order in which it strikes his mind. The act of stating for the jury the questions which they have to answer, and of stating the evidence bearing on those questions and showing in what respects it is important, generally, goes a considerable way towards suggesting an answer to them, and if a Judge does not do as much at least as this, he does almost nothing." (Cr. L. i. 455). There are many questions, which are called "mixed questions," and it is often difficult to decide whether any particular question is for the Judge or for the jury. Instances of such mixed questions are infancy, lunacy, drunkenness, private defence, intention, coercion, malice, and consent. It was held in Kentucky (79 Ky. 560) that in cases of house-breaking, it is for the Court to decide whether the place of ingress was a part of the house charged to have been broken into. In England it has been held that it is for the Judge to decide whether there has been a secret disposal of the dead body of a bastard child, and for the jury to decide whether there was an intent to conceal the birth (*R.* v. *Clarke*, 4 F. and F. 1040). What facts amount to such threats or promises as to exclude confessions as not being voluntary, is a question of law, but whether the evidence proves the facts, is a question of fact (87 North Carolina, 572). In America, the tendency is to give juries more power and responsibility than in other countries, and, in some States, they even award the punishment.

Appeals against acquittals.

Ordinarily speaking, a plea of *autrefois acquit* is a bar to a subsequent indictment. In New York (C. P. C. 579) an appeal against an acquittal is allowed only upon a judgment for the defendant, on a demurrer to the indictment, or upon

an order of the Court, arresting the judgment. In other words, the plea is only allowed in the case of an acquittal *on the merits*. In Louisiana, new trials may be granted, after acquittal, on the motion of the public prosecutor in the following cases :—

1. When the defendant has bribed a juror, or witness, or has given any forged paper in evidence, which might, in the opinion of the Court, have changed the verdict :

2. When the defendant has prevented any material witness from appearing against him :

3. When evidence in favour of the accused shall have been given to the jury out of Court :

4. When, by the procurement of the defendant, the jury was illegally impanelled.

In England, in order to prove a plea of *autrefois acquit*, the defendant must prove that he was previously acquitted, either of the offence charged in the indictment to which the plea is pleaded, or of an offence of which he might be convicted on that indictment. Similarly as to the plea of *autrefois convict*, proof of which is not made out by showing that the defendant was convicted on an indictment set aside on writ of error. It may be added that justices have power to state a case in the event of an acquittal as well as a conviction, and discharges by Justices are sometimes quashed, and retrials ordered. These elementary facts of English law do not appear to be generally known in India. In France and Belgium a judgment of acquittal can only be annulled in the interests of the law, without prejudice to the party acquitted. In India, the Local Government can appeal against an original or appellate judgment of acquittal passed by any Court other than a High Court. In the North-West Provinces, considerable use is made of this salutary provision ; but the Bengal Government rarely use it, even in the most important and heinous cases. The prevalence in Calcutta of rooted but erroneous ideas regarding English law is probably sufficiently far-reaching to affect the Government itself. In India, an acquittal in a superior Court is seldom or never followed by a prosecution for some other offence, which the accused appears to have committed and with which he was not charged, though section 403 C. P. C. permits of this being done. It has been ruled by the Court of Cassation in Paris that an accused, acquitted of infanticide by the Court of Assize, can, in respect of the very same facts, be prosecuted in the Correctional Court for causing death by a rash act (homicide par imprudence), Cass., 9th June 1854 ; and that *although the Court of Assize has refused to put the subsidiary question to the jury*, Cass., 18th April 1857. By 24 and 25 Vic., c. 97, section 35, it is enacted that any person

who unlawfully and maliciously throws any wood, &c., upon any railway with intent to endanger the safety of any passenger, &c., shall be guilty of felony. It was held that an acquittal upon an indictment charging the prisoner with a felony was no bar to a subsequent indictment being preferred *upon the same facts* for a misdemeanour under the provisions of the above statutes (*R.* v. *Gilmore*, 15 Cox, C. C. 85). A curious case occurred in the State of Minnesota. In a criminal prosecution for assault and battery, the defendant pleaded a former conviction, and offered in evidence a record, which showed that, on the day of the assault, he complained of himself on oath before a justice, for the same offence; was ordered by the justice to consider himself under arrest without a warrant; that he then testified to the assault, pleaded guilty, and paid the fine imposed. It was held, that the plea must be overruled, as the proceedings showed fraud on their face (28 Minn., 66). In India, it is the intention of the Legislature that acquittals should be less final and irrevocable than in other countries; but, as a matter of fact, the very reverse is the case. A Deputy Magistrate may hastily and improperly acquit in summons cases, and yet it is doubtful whether the District Magistrate can order a retrial without reference to the High Court; and of late years the latter have refused to interfere with judgments of acquittal, *except on appeal by the Local Government*, though the remedy under section 417 C. P. C. is by no means intended to be exclusive.* The Allahabad High Court, on

* As usual practice differs and rulings are contradictory. In some cases it has been ruled that there is no remedy against an acquittal, except on appeal by Government (7 C. L. R. 142; 12 B. L. R. App. 22; I. L. R., 3 Bom., 151). But there can be no doubt that acquittals can be quashed, on applications for revision, provided a finding of acquittal is not actually converted into one of conviction. For instance, an acquittal can be reversed, and a retrial ordered; and had the Judges only known the previous practice and case-law thoroughly, they would never have said, as they have said in one or two cases, that it is not their practice to interfere with acquittals, except on appeal by Government. Section 417 only provides one mode of remedying acquittals; the section is not exhaustive and does not enact that improper acquittals cannot be remedied in any other way. In a case reported at 1 B. L. R., 21, the Joint-Magistrate convicted the prisoner of criminal breach of trust, the Judge on appeal acquitted him, and the High Court *restored the original order of conviction!* This was going too far; they should have directed a retrial or a rehearing of the appeal. In numbers of cases the High Courts have quashed acquittals and ordered retrials (3 Mad. H. C. App. 70; 6 Mad. H. C. App. 48; 5 W. R., Cr. 45; I. L. R., 1 All., 139; I. L. R., 9 Mad. 9; I. L. R., 12 Cal., 558). To allege that there is no remedy against an acquittal except on appeal by Government is simply absurd, as is manifest from the following instances, which not infrequently occur in summons cases. Section 245 C.P.C., enacts that a Magistrate, after taking certain evidence, may acquit. A Magistrate, without taking all such evidence, acquits. Again, Section 247 enacts that, if the complainant does not appear *on the day appointed*, the Magistrate shall acquit the accused. A Magistrate calls on a case at 11 A.M., finds complainant absent, and acquits the accused. Complainant afterwards appears at 1 A.M. Can it be alleged that, in either of these cases, there is no remedy against the improper

the other hand, have wisely held that they are not precluded by a judgment of acquittal from exercising their powers of revision (I. L. R., 1 All, 139). This is as it should be. The failure of justice arising from an improper acquittal may be just as grave and serious as that arising from an improper conviction. "I do not see," says Sir James Stephen, "why revison should be confined to cases in which the interests of the prisoner have been prejudiced. It might well be extended to cases in which the public has been injured by a wrong acquittal or an over-lenient sentence." But in India the maxim as to presumption of innocence appears to have been amplified into something as follows:—"An accused person is specially privileged, every consideration and indulgence must be shown to him, and it is harsh to adopt any procedure which is calculated to increase the chances of his conviction." The most monstrous requests are made by pleaders on the ground that their clients are "accused persons," as if they were Brahmans standing on a pedestal of divinity; and it is looked upon almost as a sacrilegious act on the part of the Magistrate to send them to hajut, though the law in some cases leaves the Magistrate no discretion in the matter. "The reason," says Sir James Stephen, "why an accused person is presumed to be innocent, is not that the presumption is probably true, but that society in the present day is so much stronger than the individual that it can afford to be generous. It is, however, a question of degree, varying according to time and place, how far this generosity can or ought to be carried. Particular cases may well be imagined in which guilt, instead of innocence, would be presumed. . . . Suspected people, after all, are generally more or less guilty, and though it may be generous, for the reason already given, to act upon the opposite presumption, I do not see why a Government *not strong enough to be generous should shut their eyes to real probabilities in favour of a fiction.*" Native pleaders may look on these views as "rank heresy," and I can well understand that one of the banners at the monster mêla of pleaders and graduates at Jhinkergatcha in Jessore was inscribed with the words "Stephen the monster." As a matter of fact, the proportion of discharges and acquittals to convictions in India is abnormally large, and shows conclusively that many guilty persons escape. In jury districts, the convictions in Sessions trials are often less than 50 per cent. On the other hand, if the High Court think that so many innocent persons are falsely charged, why do they place needless

or hasty acquittal except an appeal by the Local Government. In such cases, the District Magistrate is entitled to treat the illegal acquittal as a discharge, and to order the case to be heard or reheard, as the case may be.

and illegal obstacles in the way of prosecutions for false charges? At least they should be consistent.

Contempts.

India is probably the only country in the world (except perhaps Ireland) in which the most flagrant contempts of Court are committed with impunity. The Subordinate Courts are not permitted to notice cases of external contempt, such as the publication of improper articles while a case is pending; but in other countries it has been held that the power to punish for contempt is an incident to all courts, independent of statutory provisions. Indeed, the policy of other countries has been absolutely reversed, as in India fines, which would not be appealable in ordinary cases, are so, if inflicted in cases of contempt (sec. 486 C. P. C.) This is unreasonable, as no court can properly judge of the contempt, except the court before which it was committed. In England, it has been ruled that, if words imply, either from their meaning or the gesture and manner accompanying them, that an insult is intended and understood," they amount to contempt of Court. For the bystanders of the moment may, from the use of such language, conceive a contemptuous opinion of its authority, if no remedy be available. (Wilson's case, 7 Q. B. 1015). Each Court is presumed to know its own law, and to put the right interpretation on the character of the act done, so far as it is contemptuous, for *if the contempt is by a gesture, none but the Court can judge of it.* (*Re Pater*, 5 B. and S., 299). In England, when a superior Court of Record commits for contempt, the commitment need only mention that a contempt of Court was committed, without stating any further particulars, it being deemed conclusive, as if the Court could not go wrong in such a matter (*Re* Crawford, B. Q. B. 613).

I have pointed out that there are some few inherent defects in Indian Criminal Law—defects which can only be remedied by the Legislature. But at the same time it has been amply demonstrated that, where the criminal administration becomes unwieldy, or breaks down, and when failures of justice occur, they are almost invariably due to extrinsic causes, to which some drastic remedy should be applied. These extrinsic causes are the following:—

(1) Ignorance of Continental and American Codes, which are of great service for a reasonable and proper interpretation of the Indian Codes, *in pari materiâ*:
(2) Ignorance of jurisprudence and Roman law:
(3) Absence of a thorough knowledge of the Indian Codes:
(4) A very superficial knowledge of Indian case-law:
(5) A tendency to apply English law unnecessarily and

improperly, combined with a very shallow and inaccurate knowledge of such law :

(6) The application of the criminal revisional jurisdiction of the High Court in a manner and to an extent which was never intended or contemplated by the Legislature :

(7) A system which permits contradictory Divisional Bench rulings to stand side by side for years without being brought before, and settled by a Full Bench :

(8) A system which gives authority to the doubtful, or it may be patently erroneous, rulings of two Judges on alterations in the Code, or on new points, on which there have been no previous rulings :

(9) The absence of any system by which the contradictory rulings of the various High Courts in India may be at once placed before the Legislature, or before some standing legislative committee, with a view to immediate remedial legislation :

(10) The absence of finality of criminal decisions, or the presence of such element, where obviously there is the least reason and justification for it :

(11) A tendency to allow technical pleas, and to permit the form to defeat the substance, a tendency which naturally arises out of the first five causes mentioned above :

(12) An elaborate and tedious procedure in some comparatively petty proceedings (such as security to keep the peace), rendered more so by the excessive length of the ladder of appeal and revision, every rung of which is commonly mounted by a convicted person :

(13) Improper conduct of cases by pleaders and mukhtars, ignorance of proper modes of cross-examination, prolix repetitions, and resort to every possible device and machination with the view of delaying or frustrating the ends of justice, combined with the greater or lesser neglect of all Courts conscientiously to uphold the law and enforce the emphatic directions contained in the Procedure Code.

It may seem hopeless to correct and remedy so long a list of abuses ; but it is certain that there is not the slightest difficulty in doing so, if those responsible for the defects will only make up their minds to remove them. These abuses are the growth and outcome of easily preventible causes, and the remedy in each case lies ready to the hand of either the Government, the High Court, or Subordinate Judges and Magistrates.

It is not advisable to place much insistence on the first two

causes. *Ars longa, vita brevis*, &c.; and few men have that combination of time and energy, which is requisite for a thorough acquaintance with even one system of law. But no man can be a thoroughly good and sound criminal judge, unless he is also a jurist, and, in promotion to high judicial office, due weight should be given to a knowledge of practical criminal jurisprudence. Coming to the third and fourth causes, it may be unhesitatingly laid down that a minute and intimate acquaintance with the Indian Codes is a *sine quâ non* for an Indian Judge; and, having regard to the system of reporting and the authority accorded to reported rulings, a thorough knowledge of case-law seems to be only one degree less indispensable. Now a Civilian Magistrate has to study the Codes for two years or more before he begins to administer them, and by the time he becomes a first-class Magistrate, his knowledge of them is very minute and intimate. He has to administer them for twelve years or more, before he can become a District Magistrate or Sessions Judge. On the other hand, Barrister Judges of the High Court may be utterly ignorant of the Codes, and in any case they cannot have that intimate and practical knowledge of them, which can only arise from experience acquired during prolonged advocacy or administration. And yet these same Judges are invested with enormous appellate and revisional powers over the criminal administration of the whole country! Herein lies the "*fons et origo*" of the numerous evils, some of which have been pointed out! In no other country is an appeal or revision allowed from a more to a less competent tribunal, and why should India alone be made an exception? Surely it is a monstrous anomaly that the ripe decisions of judicial officers, with twenty years experience of the country, should be revised, and upset by Judges, who have but little acquaintance with the Codes, still less of the people and the country, and none whatever of the language! Surely an anomaly such as this needs only to be pointed out to be at once recognized, and remedied, and the wonder is that it has not been prominently brought under notice and discussion before now. Sir James Stephen has remarked that he found it an education in itself to be present at the debates in the Legislative Council on the revision of the Criminal Procedure Code. He says the Civilian members knew the history of almost every section, the origin of the law, the mischief to be remedied, and the reasons for subsequent alterations or modifications. He says:—"I do not believe that any English lawyer or Judge has anything like so accurate, comprehensive, and distinct a knowledge of the criminal law of England as average Indian Civilians have of the Penal Code. It is hardly an exaggeration to say that

they know it by heart." This testimony presents a striking contrast to the habit, which has been in fashion for some years and seems to be gaining ground, of decrying Civilians and disparaging their administration. *High Court Judges, who have been sent straight out from England, should not be permitted to exercise any criminal jurisdiction whatever* until they have been at least five years in the country. If a Bengal Civilian were asked to try a case in which all the witnesses were Tamils or Telugus, he would at once admit the impossibility of his doing so in an adequate and satisfactory manner. He might try the case through an interpreter, but he could not feel the same confidence and certainty as to the correctness and justice of his decision, as if he had himself understood the language in which the evidence was given. How is it possible for a Judge to come to a correct decision on the facts, or to know whether the witnesses are speaking the truth or otherwise, when they give their evidence in a language which he does not understand? And yet Barrister Judges often preside at Criminal Sessions trials in Calcutta! It may be said that a Civilian and Barrister Judge generally sit together as a revisional court, and that, therefore, the chances of incorrect decisions are materially lessened. But whatever the reason may be, it is clear that this fact does not always prevent unsound decisions, nor does it prevent remarks and propositions regarding the trial and conduct of a case in a Subordinate Court, which are erroneous and often diametrically antagonistic to some specific provision in the Indian law. Many instances of this could be adduced, but I merely wish to attack a system which is *per se* indefensible, and have no desire to attack individuals, who, after all, are not to be blamed for the position they are in, and do their duty to the best of their ability, and as well as can be expected in such anomalous circumstances. However, lest it be said that I have made sweeping generalizations based on insufficient *data*, I will note one or two instances. At a trial for cheating, at which a certain Judge presided in Calcutta, the Police had sent up a certain witness to prove a certain fact. This witness complained of having had to go to the thana to give his statement, and the learned Judge actually spoke in terms of censure of the Police-officer, and told the witness that, if the Police wanted him again, they must go to his house! The Judge was not aware of the Section of the law (161 C. P. C.) which rendered it obligatory on the witness to attend, on the requisition of the investigating Police-officer. Mr. Justice Straight had earned a reputation as a criminal lawyer before he came to this country, and has done much to maintain it as a Judge of the Allahabad High Court. But even he has indulged in criticisms, which he must have abstained from, had

he possessed a thorough acquaintance with the Criminal Procedure Code In one case he censured a Sessions Judge for having insisted on examining certain witnesses, whom the Barrister for the defence did not wish to give. The Sessions Judge appears to have considered that the witnesses were essential, and it was therefore his duty under Sec. 540, C. P. C., to examine them. Moreover, Mr. Justice Straight has shown himself on several occasions to be far too prone to upset findings of fact on insufficient grounds, and to indulge in *ex cathedra* criticisms on the procedure and judgments of Subordinate Courts. The chaotic mass of rulings under Sec. 211 P. C.—truly a *rudis indigestaque moles*, for which Civilian Judges are partially to blame—is also due to an imperfect knowledge of the Procedure Code as contained in sections 159, 169, 170, 173, 191, 202, 203, 476, &c.; but this is a point of vital importance and far-reaching consequences, which can be more appropriately discussed in connection with the Penal Code. Suffice it to say here, that the Madras and Allahabad High Courts have steered clear of rocks and shallows, and their rulings on the subject are in exact correspondence with the law in France and Germany.*

The section in the Code of 1872, permitting cross-examination in inquiries preliminary to commitment, has been omitted in the present Code; and yet Magistrates are sometimes directed to allow cross-examination. I have already alluded to erroneous rulings concerning the right of pleaders to appear, examination of accused persons, compounding, finality of verdicts, preventive jurisdiction of various kinds, summary trials, previous acquittals revision, and technical omissions and irregularities. At the same time incorrect and unsound decisions are often due to an ignorance of previous rulings on the very case in point, and Judges are sometimes heard to remark that, had such and such a case been put before them, or had the parties been properly represented, or the point fully argued, *they might have come to a different decision!* But, surely a Judge argues his own incompetence, and is convicted out of his own mouth of unfitness for his post, if he admits his dependence, not on his own judgment and learning, but on the brains and ability of the Bar. It is not, then, to be wondered at that many decisions † are passed, which could never have been

* In France and Germany, the Court is not bound to take up the original charge first, but may do so, if it considers it advisable. This is sound sense and sound law.

† It often happens that a Divisional Bench rules that certain proceedings or orders of a Magistrate are not subject to revision by the High Court, and refuse to interfere, and then another Bench, apparently not knowing of the former ruling, interferes with such proceedings. In a

passed, had the Judges been *thoroughly conversant* with the previous case-law on the subject; and in a future article on the Penal Code I shall produce striking instances of this, and also of erroneous decisions based on an imperfect acquaintance with the English criminal law. The sixth cause in the list enumerated above, has already been sufficiently illustrated.

Now, with regard to these six causes, the remedy is in the hands of the Government and the Secretary of State. The remedy is obviously to take steps to increase the efficiency of the High Court, and first and foremost should be the abolition of the practice of sending out Judges straight from England. This practice had its reason and justification in the days of the East India Company, and it is not necessary for me to enter upon an historical disquisition concerning those reasons. It is sufficient to say that the reasons no longer exist; the reign of law is now perhaps firmer and more established in India than in any other country of the world. As regards promotion to the High Court, we would make no distinction between civilians and barristers. *Let the best men be chosen;* and, if necessary, let the selection be by means of competitive examination in Indian law, Indian case-law, English criminal law, and such other subjects as may be considered necessary, including, perhaps, jurisprudence, international law, contract

very recent case, the High Court upset the order of a Magistrate appointing special constables under Act V, 1861, sec. 17. It had been ruled several times before (see, for instance, 10 B. L. R. App. 4), that such an order is a purely executive one, and that the only appeal against it lies to the Local Government. The persons seeking revision in this case were wealthy men, who could afford to employ the best counsel. The Magistrate was represented by the Deputy Legal Remembrancer who, in common with the revising Judges, appears to have been quite ignorant of the rulings we refer to. The whole of this case was a signal example of the disadvantage at which Magistrates are placed, when their decisions are before the High Court on revision, and the applicants for revision can afford to pay the best counsel, while the Deputy Legal Remembrancer has not even the advantage of being verbally instructed by the Magistrate. In this case summonses had been issued by the Magistrate against certain persons under Sec. 173 of the Penal Code for refusing to perform the duties of special constables. The High Court actually quashed the prosecution, as Sec. 173 was not strictly applicable to the facts charged. The Judges and the counsel for the Crown appear to have entirely overlooked the provisions of section 19, Act V, 1861, which exactly covered the case. The correct Section may not be always mentioned in the summons, but Sec. 246 of the Criminal Procedure Code enacts that the accused may be convicted of any offence which he appears to have committed, *whatever may be the nature of the complaint or summons.* It is simply disheartening and heart-breaking for Magistrates to see their decisions upset and their authority weakened by orders which they know to be diametrically opposed to the law. I could multiply instance upon instance, but that my very notes would blossom into disquisitions.

law, and Roman law. A thorough knowledge of the vernacular of the Province should, of course, be a *sine quâ non.* Barristers, who have been ten or fifteen years in India, may well consider it a grievance that men, presumably less fitted than themselves, are pitch-forked over their heads into the highest judicial posts of the country, and the grievance is still greater in the case of Sessions Judges, who have administered Indian law for fifteen or twenty years, and even longer. The evils I have enumerated are *mainly* due to an ignorance of Indian law, and in a lesser degree to ignorance of the country and the people, their manners, customs, and modes of thought. By the appointment of civilians or barristers of at least ten years' experience of the country, these evils are partially, if not entirely, eliminated. If the appointments are made by means of competitive examination, there appears to be no just or valid reason why they should not be open to native barristers and pleaders, deputy magistrates and moonsiffs. In the interests of the country and the administration, *let the best men be appointed, whether European or native, barrister or civilian.* Only in this way can be prevented a repetition of the scandalous failures of justice, which are a disgrace and a blot on the criminal administration, which foster crime and litigation, embolden wrong doers, increase work a hundred-fold, and render the duties of Magistrates ten times more difficult and arduous. It is now high time that in all Departments of the Government weak and inefficient men should be weeded out, and give place to others who have proved their strength, fitness, and ability, and the High Court should be no exception to this rule. At any rate, if barristers are still appointed straight from home, such appointment should be subject to two restrictions: (1) that they first pass at least as rigorous an examination in one vernacular language and Indian law as civilian probationers are required to pass; (2) that they be not permitted to preside at Sessions trials or exercise criminal revisional jurisdiction, until they have been not less than five years in the country. A civilian Sessions Judge would never be appointed to the Bench in England; and yet he is at least as fit for it as a barrister straight out from England is to sit on the High Court in India. To admit that one is fit, is to admit the fitness of the other; the two propositions must stand or fall together.

The seventh, eighth, and ninth causes relate to the existence of contradictory rulings, and the mischief occasioned thereby. As has been remarked, an unsound or erroneous ruling is not confined to the mischief done in the individual case. The ruling permeates the country, and filters down to the lowest Mukhtars, and is pressed before Magistrates as a reason for

abstention from some particular procedure which the latter feel they are not only justified in adopting, but, in the interests of justice, actually bound to adopt. A signal instance may be given of this. A Divisional Bench of the Calcutta High Court ruled that a District Magistrate has no power under Section 437 of the Procedure Code to call for the record of a first class Magistrate and pass orders on it. It was universally felt that the ruling was erroneous, and could never stand, and yet nothing was done to upset it, until the Madras and Allahabad High Courts (Full Benches) put the correct interpretation on the section; and it was not till then that the Calcutta High Court felt, bound to meet and reverse the ruling of the Divisional Bench. But for the Madras and Allahabad rulings, the Divisional ruling might have been in force up till now, though it was patently antagonistic to the clearly expressed intention of the Legislature. No doubt strong Magistrates relied on their better judgment, and felt themselves justified in ignoring an obviously unsound ruling which deprived them of the salutary power of correcting the errors or hasty procedure of their subordinates; but there were doubtless weaker vessels who acted otherwise, though there is no absolute rule that I know of that renders it obligatory on Subordinate Courts to follow an isolated ruling of two Judges.

Now it is the main essential of a system of codification that some provision should be made for the revision of the Code from time to time: when this is left entirely to case-law, the principal benefits of codification disappear. In 528 A. D. Justinian compiled his famous Code from three previously-existing Codes—the Gregorian, Hermogenian and Theodosian—and he forbade any one to write commentaries on it. Such a prohibition, of course, proved futile, as a Code is stationary, whereas the progress of a country and the march of civilization produce new requirements, combinations of circumstances, and conditions, which could not have been foreseen at the time of framing the Code. So it has been found that the commentaries on the Code Napoléon have assumed an enormous bulk. This Code compels, the Judges, under a penalty, to give decisions on all cases, whether contemplated or not by the Code, and to refer them generally to the following sources: (1) equité naturelle, loi naturelle; (2) Roman law; (3) ancient customs; (4) usages, examples, decisions, jurisprudence; (5) droit commun; (6) principes généraux, maximes, doctrines, science. If the Legislature does not make some provision for the periodical revision of a code, it must be content to see its intention defeated in numerous instances, and an uncertainty produced perhaps even greater than that which the Code was intended to rectify. It appears to be very necessary that the Indian

Legislature should adopt some such procedure as that in vogue in Germany.

The Prussian Code directs the Judges to report new cases to the Head of the Judicial Department, and they are then decided by a Legislative Commission, whose decisions take effect at once. Difficult cases or contradictory rulings should at once be brought to the notice of the Judicial Secretaries to the local Governments, and it should be their duty forthwith to report them to the Judicial and Legislative Secretaries to the Government of India. The Legislative Council should consider the various cases and rulings once a year, and revise the Code in such manner as they think fit. If any particularly mischievous ruling, such as that under Section 437 C. P. C., above alluded to, were passed during a year, the Chief Justice should be bound, on the requisition of the Legal Remembrancer, to bring the matter before a Full Bench, without prejudice, of course, to any decision the Legislature might come to at the end of the year. The absence of any such rules justifies and even necessitates the existence of commentators. But, whereas in India exceptionally strong and able commentators are required, *there is scarcely one that rises above the level of a billiard-marker!* These commentators may be said accurately to keep the score, and the more accurately they do so, the more chaotic and useless are their commentaries! A *kerani* on twenty rupees a month could extract all rulings, good, bad, or indifferent, applicable or obsolete, from the law reports, and lump them together here and there, under various sections, in an undigested mass. But it is the duty and function of a commentator to sift the chaff from the wheat, and to deduce some principle or *ratio decidendi* from a long series of decided cases. If none can be adduced, then presumably the case-law is defective, and the commentator should not hesitate to point out in what respects it is defective, unsound, or erroneous. An Indian commentator, in particular, must wearily and thirstily traverse leagues of barren desert, before he can arrive at the few oases of sound, correct, and applicable rulings; his task it is to extract the rare nuggets of ripe judgment and hard common-sense buried here and there amidst

> A myriad mass of instances,
> The labyrinth of precedent!

He must prune away, so to speak, the overgrowth of case-law, and must preserve the intention of the Legislature from being choked by its rank luxuriance. This has been found necessary in the case of the Penal Code of France. Further, it is the special duty of the Indian commentator to show that the Indian Codes have no connection with English law, but are a distinct entity, to illustrate and interpret one part by

another, to construe their provisions according to the fair import of their terms, taken in their usual sense, in connexion with the context, with a view to effect its objects, to promote justice, and, above all, to preserve the intention of the Legislature. 'If a commentator has the requisite strength of mind, knowledge, and ability to do this, his commentary will be a power in itself, and will exercise a salutary and far-reaching influence on the courts, the administration of justice, and ultimately, even on the Legislature.

With regard to the tenth cause enumerated above, there is no appeal in criminal cases to the Privy Council. Consequently, *quoad* their criminal jurisdiction, the High Court Judges have no superior, and there is no check on their proceedings. The decisions of lower courts in civil cases, upset by the High Court, are frequently restored by the Privy Council; indeed, it may be noted, from several of the volumes of the Bengal Law Reports, that in certain years the decisions of the High Courts were more often reversed than upheld by the Privy Council, and it must be borne in mind how small a proportion of litigants can afford to bear the expense of an appeal to England, supposing that leave to appeal be granted by a High Court. But in India there are not many men, who cannot afford to apply for revision, and the number of poor men who have had their "motion" before a High Court would astonish an English lawyer, who is accustomed to see, perhaps, a score of cases in a year go before the Court of Crown cases reserved (now the Court of Criminal Appeal). The mischief caused by the revisional jurisdiction of the High Court would be checked and considerably minimized, if the Government had a right of appeal to the Privy Council. Such a right need not be often exercised, but its mere existence would probably suffice to 'prevent capricious reversals, due, perhaps, to obstinate and preconceived prejudices.

It is a very significant and extraordinary fact that as many convicted persons get off on revision (motion) as on appeal. The fact that an accused should be illegally and improperly acquitted on revision on the ground of some trivial irregularity, when he has been convicted after a long and tedious trial by a first-class Magistrate, and his conviction upheld by a Sessions Judge is, if not enough to make angels weep, certainly enough to discourage and dishearten laborious and duty-loving officers, who like to see justice prevail. The Court who hears the witnesses is most likely to come to a correct conclusion as to the facts, and this is a principle that is thoroughly recognized and acted on in the criminal laws of all countries.* In

* Sir James Stephen has very forcibly shewn the gross abuse of the system of appeal in this country, and his remarks apply with ten-fold force

England, under the Judicature Acts, 1873 and 1875, there is no appeal to the Court of Appeal in a criminal case, except for error on the record (*Reg.* v. *Steel*, 2 Q. B. D. 37, and *R.* v. *Stephens*, 7 B. and S. 710). In India, where third and second class Magistrates are sometimes officers of inconsiderable experience, it is perhaps advisable that an appeal should lie in all cases to the District Magistrate; but even so, it is no doubt the case that findings of fact are occasionally upset on insufficient grounds. On the other hand, first class Magistrates are presumably officers of some experience; and where any officer has exercised first class powers for, say five years and upwards, it might be well to allow *no appeal on the facts*. It has been forcibly remarked that a weak Sessions Judge has still strength enough to destroy in a single morning the structure that has taken a Magistrate a month laboriously to build up! "A Sessions Judge," says Sir James Stephen, "is simply a Magistrate grown older." But now-a-days he is not always that, since the separation of the services. India is a country in which experience and knowledge of its ways is *not gained solely from living a long time in it*. Capacity for observation differs in different officers in as great a degree as energy and capacity for work; and there can be no doubt whatever, that in the mofussil one man may in a single year acquire as much solid experience and knowledge of the people, as another can do in three years. It follows that an officer of ten years experience may know as much as, and more than, one of twenty years experience; and this fact brings us to one of the greatest evils of the extensive system of appeal, namely, that the decisions of an able and exceptionally experienced officer may be appealable to an incomparably less competent tribunal. That these are not mere words, will be readily admitted by all who have lived long in this country, and

to the monstrous and indefensible system of interference, on revision, with every possible criminal order and decision. "Every system of appeal," says he, "assumes the superiority of the Appellate Judge over the Judge of first instance. This assumption fails in many cases in relation to Judges in India. Nothing is added to a man's real efficiency by calling him a Sessions Judge or a High or Chief Court Judge instead of a Magistrate, and by paying him a higher salary. I cannot see what reason there is to suppose that the Appellate Judges (except District Magistrates to whom an appeal lies from their subordinates) should, as a rule, be abler men than the Judges from whom the appeal lies Whatever may be the intrinsic superiority of the appellate courts over the courts of first instance (and this in many cases is very doubtful), they certainly have not equally good materials for their judgment, for they judge upon hearsay evidence, namely, the Judge's report of what the witnesses said The chance that the first decision will be right is better than the chance that any subsequent decision will be right, particularly in criminal proceedings," and so on. The lower court, which sees and hears the witnesses, can best decide on questions of fact

have observed the varying predilections and idiosyncrasies of various officers.

In England the superior courts will not entertain an appeal even from the decision of a justice touching a *question of fact.* In a case where the Magistrate had, upon the 5th rule of 18 and 19 Vic., c. 122, s. 26, decided that a row of houses, forming part of a line of thoroughfare, was a street, the judges declined to interfere with his decision (*Newman v. Baker*, 8 C. B., N. S. 200; *R. v. Yeomans*, 1 L.T., N. S., 369). As regards questions of fact, the court above will not interfere where it sees *any evidence upon which the justice could have proceeded.* (*Cornwell v. Saunders*, 3 B. and S. 206; *R. v. Dunn*). Perhaps so rigid a rule could not be applied to India, but no sane person can doubt the advisability of narrowing the extensive system of appeal. When an Appellate Court feels doubt as to a fact, it should ordinarily accept the decision of the lower court; and as to technical errors, not affecting the merits, it does not require strong judges to brush them aside, for the Procedure Code declares that they *shall not be* a ground for reversal. Those judges show a lamentable want of moral courage who weakly sacrifice the substance to uphold the form. Sec. 603 of the New York Procedure Code enacts that "after hearing the appeal, the Court must give judgment, *without regard to technical errors or defects, or to exceptions which do not affect the substantial rights of the parties.*"

The eleventh cause has already been discussed in connection with the tenth. It appears probable that the tendency of some Indian Judges to allow technical pleas is due to the fact that they have been brought up under the English system. They have noticed the extreme technicality of the old English criminal law, but they have not sufficiently grasped its history and meaning. "The maxim that it is better that ten guilty men should escape than that one innocent man should suffer is," as Sir James Stephen shows, "merely a result, like some other similar maxims, of the extreme severity of the old English law. This maxim or observation is open to two decisive objections. In the first place, it assumes, in opposition to the fact, that modes of procedure likely to convict the guilty are equally likely to convict the innocent, and it thus resembles a suggestion that soldiers should be armed with bad guns, because it is better that they should miss ten enemies than that they should hit one friend. In fact, the rule, which acquits a guilty man, is likely to convict an innocent one. Just as the gun, which misses the object at which it is aimed, is likely to hit an object at which it is not aimed. In the second place, it is by no means true that under all circumstances it is better that ten guilty men should escape than that one innocent man should suffer.

Everything depends on what the guilty men have been doing, and something depends on the way in which the innocent man came to be suspected. I think it probable that the length to which this sentiment has been carried in our Criminal Courts is due, to a considerable extent, to the extreme severity of the old criminal law, and even more to the capriciousness of its severity and the element of chance which was introduced into its administration." I have already alluded to the severity of the old criminal law, and its effects in rendering the law of procedure uncertain, absurd, and technical to the last degree. An amusing instance is related in Pitt Taylor's evidence: A man was charged with stealing a slop (whatever that may be). The theft was clearly proved, but the prisoner, when called on for his defence, exclaimed, "Why, my lord, it ain't no slop." "You hear what he says," observed the Judge, addressing the jury. "Is it a slop, gentlemen?" "No, my lord, it's a smock," said one of the jurymen. "Then you must acquit the prisoner," promptly responded the Judge, which was done accordingly! This decision appears less ludicrous, when it is considered that it was passed at a time, when there were no fewer than 160 capital offences on the statute-book! There were then reasons of humanity for the admission of technical pleas, but what possible justification can be urged for eluding the law at the present day in India? And yet convictions are sometimes reversed on grounds almost as absurd and technical as the above. What is to be said of a judge who acquits prisoners (whose appeal has already been dismissed by a Lower Appellate Court) on the ground that the common object of a riot was not set forth with sufficient clearness in the charge, and refuses, in the teeth of the provisions of Section 535 of the Procedure Code, to order a re-trial? What is to be said when convictions are sometimes reversed because of the alleged improper admission of some paltry bit of evidence, which could not have affected the merits of the case one way or the other, and when, excluding it, plenty of evidence remains to support the conviction? Magistrates are sometimes charged with shewing excessive zeal, caprice, and contempt for the law, but what other epithets can fitly describe decisions such as these? The technicality of the old English criminal law has of course left abiding traces, which it will take years to remove; and it is hopeless to expect that those brought up in its worst traditions can entirely shake off the effects; but much of the technicality has now disappeared, and the rising generation of lawyers will be less tainted by it, especially as laws are now being studied in the light of history, and some knowledge of Jurisprudence and Roman law is a *sine quâ non* for admission to the Bar.

It only remains to notice the twelfth and thirteenth causes,

and these constitute evils, which are partly due to inherent defects in the law (rendered more mischievous by narrow, vexatious, and impossible rulings), partly to the conduct of pleaders and Mukhtars, and partly to Magistrates themselves Magistrates have it in their power to minimize the evils to a great extent, but their weakness and irresolution often enhance them. For instance, they grant adjournments, when they are not *bonâ fide* required; they omit to examine or to put questions to an accused; they summon witnesses and grant processes against their better judgment, in cases in which it is manifest that the request is only made for the purpose of delaying or frustrating the course of justice; no serious attempt is made to reduce cross-examinations and arguments to reasonable limits. Individual Magistrates may do much in these and similar matters to improve and accelerate the administration of justice. Prosecutors are entitled to a certain modicum of consideration even though they may not enjoy the peculiarly sacred position of accused persons; and it is a scandal that trials for the pettiest offence should sometimes be lengthened out to an inordinate degree, if the accused happen to have a long purse. Pleaders and Mukhtars are most reckless in their conduct of cases, and shift their defence perhaps two or three times. It often happens that more than one pleader wants to cross-examine and to address the Court! In Canada, it has been held that only one counsel can argue, no matter how many accused persons there may be. In New York (C. P. C. 442) if the indictment be for an offence punishable with death, two counsel, on each side, may argue the case to the jury; in which case they must do so alternately. If it be for any other offence, the Court may restrict the argument to one counsel on each side. The same rule applies to the hearing of appeals. In France the President is bound to warn the counsel that he must not say anything *against his conscience* or against the respect due to the laws, and that he must express himself with decency and moderation. In India Mukhtars and pleaders say what they like in the most reckless fashion, irrespective of the evidence. If one position is demolished, another is set up, and witnesses are brow-beaten, bullied, and insulted to such an extent, that no respectable man likes to come into the witness-box.

There has been a proposal of late to abolish the Original Jurisdiction of the High Court, and it certainly seems a monstrous and indefensible anomaly to retain so costly a tribunal for the trial of one or two hundred contested suits in a year, the large majority of which are of exactly the same character as those tried by the Ordinary Civil Courts of the country. Such a proposal should be considered strictly on the merits,

but unfortunately in Calcutta there are currents, under-currents, and side influences, which import bias and prejudice, convert simple issues into class questions, and render it impossible to predict with certainty what the non-official attitude will be on any particular question. But there appears to be no doubt that native educated opinion is strongly in favour of the proposal. It is said that the enormous cost, out of all proportion to the value involved, deters many injured persons from seeking redress, and that the rule which prevents a suitor from engaging a pleader direct, but compels him to go first to an attorney, is one that places the poor man at the mercy of his rich opponent, and encourages chicanery, high-handedness, and oppression. The reasons, which render advisable the abolition of the Original Jurisdiction of the High Court, apply with tenfold force to its Criminal revisional jurisdiction. I do not urge that this should be abolished altogether, but that it should be curtailed, and kept within reasonable limits, so as to correspond with the Jurisdiction of the Courts of Cassation in France and other continental countries, which have their criminal codes. It may be unhesitatingly affirmed that the criminal revisional jurisdiction of the High Court does far more harm than good. Injured parties may now and then get redress, but far oftener the escape of really guilty persons renders their position worse, while it encourages wrong-doers, inflicts a blow on the welfare of society, and renders doubly difficult the arduous duties of Magistrates of districts. Revision is intended to be a last resource for the correction of mistakes of law, but every body knows that, as a matter of fact, it is (when certain Judges are sitting) far wider than an appeal. Everything is gone into and subjected to microscopic hypercriticism: facts, law, evidence, and every step of procedure, from the issue of process to the final judgment or order! It will be seen from the reports on the administration of Criminal Justice, that the number of cases that are taken before the High Court on revision actually exceeds the number of appeals. Such a state of things is a scandal, and was never intended by the Legislature. As has been fully demonstrated, if all the Judges were thoroughly acquainted with the Codes, so much mischief could not be done. But unhappily some Judges have only a superficial acquaintance with them. In his work on "an English Code," the late Mr. Sheldon Amos remarked, that the Judges should be deeply imbued and saturated with the principles of the Code, and should occupy a sympathetic attitude in respect of its action, which may help them to avoid any professional tendency to make endless and needless refinements. The same writer has observed, that in the vast mass of questions as to the meaning of a Code, decisions can have no greater

authority than such as is due to the reputation of the particular Judge; and that the Legislature should frequently step in to declare what the law was intended to be. If unsound, narrow, and impossible rulings are to continue in the same ratio as heretofore, and the Legislature do not step in more frequently, it appears to be very possible that a system of case-law may spring up such as was in vogue at Rome. This system was founded not so much on decisions as on the opinions of learned persons (*responsa prudentum*) on cases either real or supposed. Mr. Frederick Pollock has remarked that to this day the interpretation of the codes in the Continental States which have codified their law, and of the modern Roman law in those which have not done so, depends on a mixture of decisions and opinions, in which the opinions of the leading writers have, if anything, the greater weight; and, he adds, that he believes something of the same sort is happening in the United States. It is not desirable that this should take place in India, and the Legislature have the means of preventing it. There is a tendency to cry out and inveigh against tinkering legislation; but it is of the essence of codification that the Codes should be revised every four or five years. The so-called tinkering of a single section produces certainty and all its attendant advantages, whereas an unsound ruling of a couple of Judges may create mischief and uncertainty for years over a whole province. This outcry against over-legislation is often due to preconceived prejudice and ignorance of details.*

* Before the passing of the Code of 1872. Sir James Stephen, the then Law Member, wrote as follows: "The Code of Criminal Procedure will be re-enacted next winter. I hope that the same process will be performed with the Code of Civil Procedure and with the Penal Code at no very distant date, and I should say that this process ought to be repeated at least once in every five years for every important Act. The Government ought to re-enact its codes as often as a law-bookseller would bring out a new edition of them. Every book like Mr. Broughton's Civil Procedure Code is a reproach to the Government, however creditable it may be to the author." That this was the intention of the authors of the Penal Code appears from the following extract from their first report: "Every case, in which there is a difference of opinion in a Court composed of several judges, *ought to be forthwith reported to the Legislature*. All the questions thus reported might with advantage be referred for examination to the Law Commission. Every successive edition of the Code will solve all the important questions as to the construction of the Code which have arisen since the appearance of the edition immediately preceding. *Important questions ought to be settled without delay*, and no point of law ought to continue to be a doubtful point more than three or four years after it has been mooted in a Court of Justice. An addition of every few pages to the Code will stand in the place of several volumes of reports, and will be of far more value than such reports, inasmuch as the additions of the Code will proceed from the Legislature, and will be of unquestionable authority, whereas the reports would only give the opinions of the Judges, which other Judges might venture to set aside.'

What the country wants is more common sense and less technicality; more conscientious work and less superficial smartness; a more simple and speedy procedure; some check on a system of endless appeals and revision, which often gives the victory to the long purse and the wrong-doer; less pedantry and more knowledge of the people and the country; in fine, less law, and more justice. This is no *deus ex machinâ* remedy of mine to abolish the practice of appointing Judges to the High Court straight out from England. The practice has been attacked before, and is utterly indefensible from any point of view. The most profound knowledge of English law cannot possibly compensate for ignorance of the Indian Codes, much less can it make up for a want of knowledge of the language, the people, and the country. Barrister-Judges must naturally have a tendency to, and the reports show that they actually do, fall back on their knowledge of English law, which in the particular case may be, and probably is, diametrically opposed to the principle and spirit of the Indian law. They needlessly drag in English decided cases, when the words of the Indian Codes are clear. "Will Englishmen," says Mr. J. G. Phillimore, "always be content with repeating ludicrous panegyrics on their coarse, slovenly, confused, and incessantly vacillating laws, instead of seeking to digest them into some state, if not equal to the finished state of Rome, less scandalous at least to civilished men?" On the same subject the late Mr. Amos has written very strongly: "The study of English law," he remarks, "in its present shape, is the most distorting, nauseous, and mentally paralysing mode of education that the most injudicious and cruel instructor could devise. Scarcely a single text-book or commentary has been written by a jurist, or by anyone accurately acquainted with any other system but his own." He goes on to denounce the "bad metaphysics, bad ethics, bad logic, false and cross divisions, the bigoted distaste for everything not home-born, and the pervading abhorrence of correct classification." These denunciations are perhaps hyperbolical and due to that contempt for English law which the aspiring jurist must feel, in a greater or lesser degree, when he comes into view of the glowing fields of the science of jurisprudence, and betakes himself to Rome, or begins to study the systems of Germany, America, and France, or the elaborate codes of that country, which has perhaps produced the most celebrated jurists in the world, namely, Italy. But there is much truth in the remarks of the above writers; and, as far as criminal law is concerned, the more saturated a judge is with English procedure and case-law, the less able or inclined he will be to do justice to the Indian Codes.

I have said above, and I repeat it, that much harm is done, and the administration is being considerably hampered and weakened, by allowing the ripe decisions of officers of long standing and experience, arrived at after careful and protracted trials, to be upset by Judges, who appear to be under the idea that their monopoly (real or assumed) of English law gives them a right to deliver *ex cathedrâ* utterances on Indian manners, custom, law, or procedure. Officers naturally chafe at having their decisions upset, because the deciding Judge has found fault with their procedure from an English, and not an Indian, point of view. Add to this the idea, with which some Judges appear to be imbued, that Indian Magistrates have an ingrained tendency to punish innocent persons; that they have no sense, and no discretion; and that their accurate knowledge of the language, the people and the country, absolutely disqualifies them from coming to a correct decision on the facts,—and the lamentable results of criminal revisional jurisdiction may be more easily imagined than described. It may be sport for wealthy oppressors, wrong-doers, and *budmashes*, but it is death for poor law-abiding people, who look to the Magistrates for protection and the vindication of the law. It is not the fact that the mass of the people regard the High Court as their natural and sole protectors from the oppressions of a bloodthirsty Magistracy, though it suits wealthy oppressors and high-handed wrong-doers to foster such an idea. As a matter of fact, the results of the criminal revisional jurisdiction of the High Court are often regarded with astonishment and dismay by the respectable and law-abiding portion of the community, who only desire to follow their trade, or till their fields in peace, unmolested by their neighbours, secure from oppression, undisturbed by hamlet politicians, unharmed by the intrigues of busy village Mukhtars, and unentangled in the webs of chicanery woven by the inevitable village "torney." All they desire, like the villagers described in Homer's Odyssey, is authority in their own homes and homesteads, and freedom from oppression and disturbance. They want neither ἀγόραι βουλήφοροι (Local Boards) nor θέμιστες (High Court Rulings).

τοῖσιν δ' οὔτ' ἀγόραι βουλήφοροι οὔτε θέμιστες·
. θεμιστεύει δὲ ἕκαστος
παιδῶν ἠδ' ἀλόχων.

H. A. D. PHILLIPS,
Bengal Civil Service.

ART. V.—WOMAN IN INDIA: HER INFLUENCE AND POSITION.

PART I.

OUR present subject is not that of the Indian native lady. Her hapless case, in all its pathetic helplessness, has not failed in securing eloquent pens to paint its disabilities; and noble lives, inspired by unselfish devotion, are spent in seeking its amelioration. But though that on which we are about to dwell, touches ourselves more nearly, it yet bears more closely, than may at first sight appear, on a subject that is deservedly attracting, from the highest to the lowest circles, much sympathetic interest in our land. While the native lady, immured from infancy to age, within the bare and silent walls of those castles of ignorance and listlessness, they call their homes, calls for our compassion; is there, we would ask, no touch of pathos, no appeal to sympathy in the position of the Englishwoman in India? No need of a friendly voice to plead with and for her? No call to reflect as to her actual condition? as to the influences of the new mode of life to which she is subjected on her mind and character, as well as upon the influence she herself is having on the destinies of that great Empire, over which her husbands, brothers, or fathers in various capacities, are exerting a certain sway?

The days are long past, when in units or by twos and threes, English ladies landed on these shores, braving the dangers of the sea and risks of climate; to be eagerly appropriated by the lucky-favored few, out of a host of aspirants to their hands: and who reigned henceforth the petted and adored queens of the little circles they adorned. They now come in scores; and as facilities for travel increase, means of communication multiply, and our picked men elect India as the scene of their career, so must their wives, daughters and sisters follow in larger numbers. Year by year, the eastward emigration is increasing. English mothers are sending forth their sons and their daughters, and while steam and wire do their work of unification, are not India and England being yet more firmly welded into one Empire by the unseen yet indestructible threads that unite millions of loving hearts across the seas?

Must not, then, such questions as these become both nationally and individually of ever-increasing importance. What is the influence of Indian life and surroundings on England's

daughters? Do the circumstances of their Indian homes tend to the development of that which is noblest and best in them? Are their lives, as a whole, on a higher or a lower level than those of their sisters at home? Does their wider knowledge of the world, their opportunities of travel and observation, tend to their intellectual advancement? Are their lives telling for good or for evil on the people among whom their lot is cast, and between whose women-kind and themselves so great a gulf is fixed?

Surely these are questions that must be issuing in differing words from hundreds of mothers' hearts who have seen their young daughters, their faces to the East, leave fearlessly the shelter of their happy English homes, to share for weal or woe, the fate of bridegroom or brother, as well as from those of others who through long years of separation have anticipated, with mingled feelings of hope and dread, their daughter's adolescence, and their consequent return to the land that gave them birth, and to the risks and chances of Indian life!

English ladies in India may generally be classed under three several heads:—

1st.—Those who might *par excellence* be termed Anglo-Indians. Whose parents, and it may be grand-parents, were Indian officials; whose antecedents, early associations and future naturally are linked to Indian life, and whose enforced residence in England for educational purposes has been regarded as a parenthesis in their existence.

2ndly—Ladies who come to India at a maturer age, with habits and character formed, and tastes developed.

3rdly.—Those who first come to India as young brides, but who have had no previous Indian associations.

Let us picture to ourselves the case of the young girl, who, at a tender age, was deported to England for education, and whose bringing up has remained in the hands of relatives or others to whom she was entrusted by her parents.

What to the young and clinging heart of childhood must have been the agony of that moment, when either on the platform of a railway station or on the deck of one of our great steam vessels, she felt for the last time the clasp of a mother's arms and the impress of a father's kiss? But years pass quickly; and impressions on the waxen tablets of childhood's memory rapidly succeed and obliterate each other. Fainter and fainter become the memories of a distant home: and with home, of the parents with whom her life in it was passed.

True, at greater and lesser intervals, these parents will have appeared upon the scene, and taken a brief part in her existence. But by the time the estrangement of forgetfulness was beginning to melt into use and fellowship, the furlough

has expired, and the bond with difficulty woven, has been ruthlessly snapped asunder. Youth is impatient of suffering. Only the very small minority among the young happily, are capable of long retention of useless regrets. Those who most constantly and actively are occupied with a child's comfort and well-being, will naturally, to a certain extent, supersede in its memory the parents, whom it sees but rarely. Thus the saddest, yet inevitable result of Indian life, is the loosening of the sacred family bond. It is the fashion now-a-days to talk of the luxurious lives of Indian officials. Has it ever occurred to those who thus indulge in such cheap and cruel reflections on some of Her Majesty's most conscientious and laborious subjects, at what an expense to them the work of the great Empire of India is carried on? It is said, and said truly, that the Englishman is pre-eminent among the nations of the earth for his love of *home!* Let it be remembered, then, that it is at the sacrifice of his *home-life* that the Englishman in India earns his, by no means, immoderate and ever-decreasing income.

To the child, fortunate in her care-takers, however, the filial sentiment will often go far to supply the impulse withdrawn by the absence of her parents, and this sentiment may become a powerful factor in the formation of her character. As time and distance obliterate their actual memory, so will their fancied image gain in charm and beauty. Should there be no adverse influence at work, each one's ideal of her own parents will be that which, in her estimation, combines all that is most perfect in man or woman.

The mere memory of a dead mother, as in the case of Cowper, will influence more powerfully the character of one man than the actual presence and existence of his own, that of another. Ideality in the case of the former, be his imagination and sentiment ever so strong, runs no risk of rude comparison with fact. Not so with the Indian girl separated for long years from her parents. As advancing time brings the hour of reunion nearer, the ardent temperament of youth will constantly add in glowing tints, new touches to the original picture. And the moment of meeting will be rehearsed with an intensity of effect known only to the roseate atmosphere of a young girl's affection.

The other evil to which the inevitable separation exposes both parent and child, is that of *indifference.* Endowed with less imagination and consequently more at the mercy of her immediate surroundings, another girl will attach herself more easily to those with whose kindness she is in daily contact. As the time approaches for her rejoining her parents, her anticipations will perhaps largely partake of the nature of presentiment.

Not without distrust can she view a life, in itself unknown, which is to be passed with beings, who, although the authors of her existence, are in all essentials strangers, and for all she can know, may prove unsympathetic.

Crucial tests these of the strength of natural ties. The results in either direction are not difficult to foresee. In the first place, the parents must be brought face to face with that preconceived ideal, and the happiness of the family will greatly depend on the result of the ordeal. They either stand or fall. If the latter, great will be the fall, and the influence on the young life for which they are responsible, disastrous. Like a boat loosed from its moorings, her mind and conscience will be tossed and battered about, between duty to her parents and that higher moral standard, which the whole course of her training may have helped to build up. Their faults and failings to which daily use would have blunted her perceptions, will be painfully obvious should she have been religiously brought up; any defect in reverence of faith, will come as a terrible shock. If she has learnt to look upon life as the battle ground for good against evil, and vanity, frivolity, idleness have hitherto been regarded as baneful vices, what must be her reflexions, if from the day her outfit became an all-absorbing question, she finds the duties of the toilet erected into a religion; and arrayed in garments of a variety and richness to which she has hitherto been a stranger, she finds that "looking well," is for the future to be one of the chief aims of her existence. If instead of that *vie intime* to which she has taught herself, with infinite yearnings, to look forward, she finds her life mapped out in an endless cycle of engagements:—and dancing, theatricals, lawn-tennis, badminton, &c., and its all important pre-occupations,—what must be, we ask, the reflexions of a thoughtful girl? and ere she can accommodate herself to an ephemeral existence such as this, what must be the revolution of which her own bosom is perhaps the only witness?

Bewildered, puzzled, hesitating, must we not, looking with painful anxiety on the mass of our countrywomen in India, picture her, as letting slip, one by one, her nobler impulses, the untested principles of a schoolgirl's code, and as half unwillingly but surely, gliding down the current? Soon the waters of fashionable life will engulph her; anon she will be in their vortex, and if, in the evermore rarely recurring moments of quiet reflexion, she pauses to ask whither she is tending, must not her scruples be easily laid to rest if she find her father, her mother, her friends look on approving, if not even participating? Must not her natural conclusion be, that her earlier impressions of life and duty, were a tradition of puritanism, and that to laugh, to dance, to sing, to beguile time, and to chase

dull cares, these are the true objects a woman has to seek,—the end and aim of her being?

But underneath this seemingly gay surface, she will, by imperceptible degrees, discover a more serious underlying stratum. No one will perhaps hint it in words, but is not this sentiment in the very air she breaths? Reluctantly she discovers that the chief duty of girlhood is to secure a good match. Her friends and companions are passing one by one into bridehood, and the wisdom or the reverse of their choice is discussed with a reckless freedom before her, that once she would have felt bordered on the indelicate. Verily, she will find that she, who in the matrimonial market doeth well to herself, will in India be well spoken of. Not the tender daughter, the loving sister, the studious modest girl will be the theme of station applause. If she, too, is not to be considered by all, parents included, a *failure*, must she not bethink herself of fulfilling their unexpressed ambition, by securing an eligible *parti?* The least sophisticated, cannot long mix in Indian society without early learning wherein success or failure lies for her. And the bloom and sacredness from her sweet maidenhood seems brushed away, when she inadvertently hears herself referred to as one of a list of unsuccessful "*spins*" who has not yet "*gone off.*"

Can we wonder if she takes the plunge and becomes, with the rest, the devotee of dissipation, and her modest, retiring manners are exchanged for their reverse? Her ambition is now to be a skilful lawn-tennis player, a good dancer, a brilliant fabricator of chaff—chaff being the staple commodity of Indian conversation! She now chaffs with the best, and her admirers speak of her as "awfully jolly." Probably, a season or two will land her in a new home. Her husband, engaged in his office for all the long hours of the sultry Indian day, time will soon begin to hang heavily on her hands. Confined by the necessities of the climate for its greater length within the four walls of her home, she will soon long for the freedom and excitement of scenes of amusement! She will recoup herself for the dreary hours of imprisonment by snatching all the liberty she can in those of emancipation. When the hot weather has laid its veto on station festivities, she will long to follow in fashion's wake, and recommence its monotonous round upon the hills. Her husband distressed to see her "mope," and anxious for her health, will easily be persuaded, even if he does not originate the idea, that the plains do not suit his wife in the hot weather. In this way, the Indian husband shows great unselfishness. Condemned by the exigencies of the public service and of his private purse, to remain below in the melting heat, he resigns himself to six months of celibacy, and takes what consolation he can find out of life in his club, which alone

offers him a resource against the intolerable loneliness of his home. A semi-estrangement, or at least indifference, springs up. Husband and wife have learnt to seek their pleasures apart. A "home" if it can bear the name, whence the presiding genius of home,—the wife and mistress is absent half the year,—is at best a hollow pretence. The taking for "better and worse" has on one side become a broken compact. To take for the better, *viz.*, the cool weather—to forsake for the *worse*, the hot—has become the order of the day.

Happy, if that were all. But is it possible that the detached better-half will content herself with a sad and solitary existence on the hills? Her work, her place in the social circle abandoned, is she not in terrible danger of seeking out consolations? Other idlers than herself will be on the hills also. What more alluring than the charm and excitement of flirtation without its possibilities and risks? Besides, can one see one's friend's wife ride and walk, unchaperoned, when one has nothing better, certainly not more agreeable to do than accompany her?

Is this the life an English mother would covet for her child? Is this the ideal of the fresh young maiden whose errant thoughts, straying into the dim future, picture a life of mutual sympathy and affection with that unknown *one*, to share whose lot and to bear whose burdens she will be ever ready. Could such a woman be brought face to face with her future as above depicted, and see her likeness there, and were some seer, as of old, to pronounce on her the sentence "Thou art the woman," might we not hear her indignant rejoinder as she disclaims it and asks: "*Am I a dog?*"

There is the next, but less common type, *viz.*, the young lady of riper years and experience, who comes either married or perhaps single to cheer a brother's lonely bungalow, and share the ups and downs of his career. She may at home have been a visitor of the poor, a Sunday-school teacher, or leader of a village choir. It has not occurred that such pursuits may be all but impracticable in India. On the contrary, she rather comes seeking a wider sphere, a less beaten track for her energies. She is at the prime of her zeal, her enthusiasm, and her health.

The gradual chill of disappointment creeping into the heart of such an one, may be easily divined. Obstacles of which she could have no previous conception spring up in her path at every turn. The climate, the difficulties of locomotion, the absence of that parochial machinery which offers to innumerable ladies of active and philanthropic tendencies in England, an easy and well worn path of usefulness, are wholly absent.

Poor, there are none ; nor perhaps children to instruct. At least between her and the only poor she sees, the natives, a gulf is fixed, for they cannot understand her, nor she them.

She will then, perhaps, bethink herself of learning the language, but here again new difficulties await her. She applies to her male protector, expressing her desire for the services of a Moonshi or a Pundit. To her surprise her apparently reasonable request is far from favorably received. Many Englishmen have an insuperable objection to the ladies of their families having intercourse of any kind with natives : their plea is, that natives regard woman from so low a standpoint. It is quite possible that they do so regard the women of their own nation, whom their customs have systematically degraded for centuries ; but the revelation has possibly never been made to them, of what generations of religious and moral culture, has done for the ladies of the West. But it is undeniable that this feeling, well grounded or otherwise, has proved a seriousimpediment in the way of numerous ladies intelligently studying native tongues. Thwarted in this direction she takes her Primer and commences to study alone. Her progress is slow and unsatisfactory : but she has been told that " if bent on learning the language, which she had much better let alone, he himself, husband or brother, will help her." Making the best of circumstances she struggles on, but soon discovers that, immersed from morning till evening in business, he has little inclination for a drill in language, or the meagre mental relaxation to be found in dictionaries and grammars during his few hours of repose.

Thus, by degrees, her abortive efforts are abandoned, and the key which might indeed have opened before her many closed doors of usefulness, is let slip from her hand. This type is too sensible, too cultivated, to subside into the mere votary of station dissipation. She reads, studies, and is often missing at the general rendezvous. Indian society is impatient of revolt from its dominion. To be well with her, you must let yourself be led captive at her will. On lawn-tennis nights you must not be found wending your way in an opposite direction. It is expected of you that bat in hand you should converge to the general centre ! On the night of a station ball, it is the height of churlishness if you prefer a quiet evening at home. At least, this sort of thing cannot be allowed to recur too often. Very soon, if refractory, you will find yourself confronted with the cold shoulder, and when you enter among your compeers, you wil lat once discover you are not *au courant.* Every body is discussing the last ball, the last theatricals, or the approaching tournament. You were not there ? You are not going to join ? " C'est bien assez."

Ladies of a studious and thoughtful turn are not so rare in India as they have been. But they are still sufficiently so to find their social position far from happy. She, who is a reader or thinker, when she enters society, at a loss perhaps on the all-absorbing topic of the hour—the last tournament—or the coming Race week, has nevertheless her own contribution to bring to the general fund. But, alas! these other ladies neither read nor think. Their tongues are indeed ready with airy nothings: and in the society they frequent, such airy nothings are the staple commodity of conversation. The discussion of politics, social reforms, literature, still more religion is decidedly in "bad form." There is, indeed, plenty of chaff, but of wheat and the heavier crops, butterflies in general have but a poor opinion! They savour too much of the market and the corn exchange when one has nothing to exchange.

The third class may be looked for among the many charming girls who come out as brides. They may belong eventually to either of the preceding classes, but there is a certain difference in their way of looking at or accepting Indian life. Unlike the first they have no Indian *traditions:* "Bara Mem Sahib" and "Chota Mem Sahib" are still terms for them without meaning. They have not found out that the dearly prized prerogative of the one is to patronize, and the first duty of the other is to obey! No early association has robbed the freshness of a new country and new surroundings of their charm. Young love has not brushed the bloom from its petals, and her husband by her side, she gazes at the unknown with a tender interest, for this is the home of his adoption, and she too is ready to adopt it as her own. Not all at first does she awake to the monotony, the soullessness of the eternal round of society engagements. Early motherhood, perhaps, is in the near horizon, and the sanctity of bridehood, still throws its glamour around her. The youngest addition is herself a welcome ingredient, for she affords a fresh topic for discussion. The frailties of the Jones and Smiths are, alas! worn threadbare. All the rents and fissures in the domestic and social relationships of every one in the station, are common property. Is Mrs. Primptemps Verts pretty, or can she be merely said to be good looking? Here, in itself, is a subject which will occupy several sittings ere each and every lady will have aired her own, and refuted her neighbour's opinions. Who was she? Has she any money? Some think her very young, but another is nearly certain she is not as young as she seems. Some one has heard that she sings, another is equally sure she merely plays. But a third, better informed, knows positively she does neither.

Mrs. Primptemps Verts will find herself very well received! Each lady will be bent on being better informed than her neighbour as to her tastes and antecedents, when the station meets at the next lawn-tennis party, perhaps the awakening may in her case be long in coming, but it will come at last. How different this life from that of her English home! How dearly her love is purchased! She clings passionately to husband and child, but the cloud of early separation darkens her sky. Soon it will be the choice between that husband and that child. She knows where her's will fall, but she sees herself in the not distant future—a Rachel weeping for her children, uncomforted, because they are not, nor can be, where she is. She asks herself with deep heart-sinkings, how she will spend all the long sad days, when separated perforce by the necessities of his position from her husband, the walls and verandahs of her empty bungalow echoing no longer to the pattering feet and ringing laugh of her children, she will find herself alone.

Her heart involuntarily tells her the only salve to her sorrow would be a life of benevolent activity in the service of others. How many aching hearts have stilled their throbbings by ministering to those yet sadder than themselves. She will devote her life to useful or philanthropic pursuits. As one hails the flickering blaze of the lighthouse across a troubled sea, so does she welcome this glimmering hope. By living for others her own life may escape shipwreck. But how shall she accomplish her desires? If in a heart-crisis such as this, a woman turns for help to her male companion, ten to one she gets small comprehension, little sympathy, still less will he aid her. That imperative demand for work on which he makes his manhood's boast, appears to him unreasonable, if not importunate, when coming from the other sex. His pride and his prerogative is to work for her, and beyond a little ladylike supervision of his domestic arrangements, the part he would assign to her in life is too generally that of an onlooker. Can we wonder that so many sink into a life of inanition, varied only by an occasional flare up into the intoxication of pleasure, if this is the view taken by their protectors. A man will tell you that as long as he is hard at work the inconveniencies, not to say the miseries of the climate sit on him comparatively lightly: but that the moment his attention and thoughts are unemployed, time becomes intolerably heavy. Why should we suppose that the mere difference of sex should so completely alter the character and predilections of beings of otherwise the same race and traditions, that what is utter weariness to the one, should be a satisfying existence to the other? No: we do our countrywomen the justice to believe

that much of that apparent devotion to frivolity and amusement that so painfully characterises their Indian existence, is the result of misdirected energy: they having found, too often, every other field for its exercise practically closed against them.

But then it is argued a woman's sphere is in attending to her house-keeping and her children. Let it be distinctly understood that all our preceding remarks refer almost exclusively to the unmarried, the childless, and the married ladies whose children no longer call for their care. To her whose children still share her home and her maternal tenderness, we can hardly too strenuously insist on the sacredness of the trust of motherhood, nor the absorbing nature of its claims. A task more difficult, nor one requiring more unremitting self-devotion than that of rearing our Anglo-Indian children, does not exist. In India everything is against them. Delicate exotics, they languish and pine beneath these sultry skies, these scorching winds, this death-dealing sun. Hours of infancy, by nature ordained to be hours of joy and innocent delight, are here too often but one weary martyrdom of sickness and misery. If ever motherhood deserved the dignity of being recognised as a *mission*, requiring all the exclusiveness of enthusiasm and of self-devotion, it is in India. Here is needed the vigilant eye to mark the earliest symptoms of disorder, as well as to ward off the pestilence that walketh in darkness, and the arrow that flieth by noonday. So great are her difficulties, so bright are the rewards of a faithful discharge of her duties, so disastrous are the results of neglect, that the English mother in India might well aspire to rank is a queen among mothers. For faithfulness or neglect mean to her offspring the enjoyment or the forfeiture of what comes to them but once, and the memory of which will be the fairest heritage of age, a *happy childhood*. Who can have failed to mark the difference, perceptible at a glance, between the neat, trim, chubby English child in India, smiles on its lips and dimples in its cheek as it sits complaisant and content in its ayah's arms or trots cheerily by her side, and the pale, listless infant, with flabby spotty skin, tasteless ill-fitting garments, eloquent of the skill of the native *durzie*, dragging its weary footsteps along the dusty roads. In the one you see the mother's darling, in the other the offspring of the woman of fashion, who, dancing or acting by night and sleeping by day, finds full occupation for her few industrial hours in refurbishing old costumes and concocting new ones, to meet the incessant demands of toilet consequent on her constant appearances in public. This sad and listless child, innocent victim of the violation of Nature's laws, abandoned by its natural protectors to the tender mercies of ignorant and irresponsible native servants, will retain no reminiscences

of its early home, but of dreary recurrences of fever and of colds, of mosquito bites and of prickly-heat. As its mind expands, its sufferings begetting fretfulness, it will revenge the neglect of its parent by acts of cruelty and petty tyranny on its care-takers, and when eventually deported to England, will be but another example of that already much deprecated creature—the passionate, mischievous and ill-behaved Indian child.

We think that we have in nowise overrated the trials, the drawbacks, the difficulties that beset the path of the Englishwoman in India: In our next paper we hope to deal more fully with her influence and her responsibility. We will enter into the question whether her present position is the highest or the happiest to which she might reasonably aspire. We shall ask whether there are insuperable obstacles to her life rising to at least a level with the lives of our noblest and best at home. Among whom, in their pure and lofty lives, our Queen's daughters shine conspicuous; and in their active devotion to works of mercy and benevolence, call on England's daughters to be true to the traditions of their race, their ennobling faith, and the honour of the great nation whom they represent.

J. E. DAWSON.

PART II.

THE ENGLISHWOMAN IN INDIA: HER INFLUENCE AND RESPONSIBILITIES.

THERE are but few, we venture to think, of those assisting to carry on, in its various branches, the Government of this great country, who are not oppressed, if even only occasionally, by a sense of the magnitude of the undertaking, and who do not, in a greater or minor degree, recognise their own share in their country's responsibilities. Recognised or not, these are in fact enormous. Collectively and individually the trust that has been reposed in us of shaping the destinies of India's millions, is a tremendous one, nor need we doubt that a very large proportion of our civilians and other officers are alive to the fact, and bring to the discharge of their work an energy and zeal as well as earnestness of purpose, for which perhaps a parallel can scarcely be found in history. Compared with the conquering nations of the past, whether for the mildness of its administration, the purity of its intentions, and the equal justice that it seeks to deal to all classes as well as races, and to every creed alike, the rule of the English in India stands out on the page of history as a phenomenon that really appears unique. We are inclined sometimes to wonder in reading the criticisms of the native press, notably of the Bengalee Babu, on the Government to which he is entirely indebted for his very ability to write, by what previous training he has sought to qualify himself to pronounce an opinion on so remarkable a problem. Has he acquainted himself with the histories of the great dynasties that have in turn overshadowed and trodden in the dust the nations of the earth? Is he familiar with Egyptian, Assyrian and Roman history? Has he enquired how the monuments they have left to posterity were erected? Has he marked the tracks of the conquerors of the ancient world, their ruthless indifference to human misery, and the waste of human life that ministered to their glory? These are the data from which his conclusions are to be drawn, and not from the ideas of liberty, borrowed at second hand, which the English have known how to win for themselves by centuries of dogged perseverance and endurance. His comparisons must be drawn between the India of the past and of that of to-day, and of nations wearing a foreign yoke in past ages. It is sometimes laid to our charge as a reproach, that were we to leave India to-morrow no trace of our presence would remain a century hence. Rather let us take this as a

high testimony to the disinterestedness of our rule. Not great and useless monuments, wrung out of the groans and sweat of a down trodden people have we given India. But works of practical utility, such as roads, railroads, and canals, by which her internal resources may be developed, and the evils of drought and famine minimized as far as practicable. In addition we have secured to harrassed and distressed millions the inestimable blessings of peace within their borders, and we think our Bengalee friend would be better employed in studying the past history of Hindoostan, and comparing it with the present, than in inditing wordy diatribes on subjects of which at present he appears to be profoundly ignorant.

While, however, the Indian official is honestly striving to further the objects of a philanthropic Government in benefiting its people, he must not fall into the error of imagining that it is only by his more public functions that he can exert a beneficent influence. Physical prosperity is, after all, but an item in human happiness: and it must be by its moral results that the success of our administration must be judged. The Englishman in India is closely watched, and his character keenly canvassed, not alone in public, but in private life equally. It is by that silent atmosphere with which each man unconsciously surrounds himself, the tone of his thought and life, the influence of his personality, that he will in reality mould, for good or evil, his Hindoo 'brother:' and it is in failing to grasp the importance of this truth that our great danger lies. The value of truth and rectitude, of honour and honesty, we are all apt to recognise; but gentleness, kindness, consideration and sympathy, are graces we seem often in danger of underrating, and of seeing ourselves surpassed, at least in outward seeming, by our darker fellow subjects: these are, however, qualities the more carefnl cultivation of which would be fruitful in happy results in our intercourse with Hindoos of every grade. One cannot help observing, with more or less amusement or regret, that an era of imitation has set in: and this tendency, flattering as it may be considered, must often engender in us the wish, that our imitators could mingle with their emulation of our customs, more discrimination as to what is really admirable.

There are, however, points on which we think we are fairly entitled to claim indisputable superiority: and among these we place in distinct relief our domestic institutions. When we find on a great occasion that a picked élite of ten thousand of our countrymen and women are moved to tears at the sympathetic rendering by one woman's voice of the popular little song "Home, Sweet Home," we must feel convinced that both the sentiment and the music appealed to one of the strongest

and most deep rooted of our national passions. Must not such a spectacle have offered a profound problem to foreign visitors—especially strangers from this country? We pride ourselves much, as Teutons, that to us alone belongs that sweet and magic word—"*Home—Heim!*" On no other race can it exert so potent a spell! Thus, looking out on our Hindoo friends, we draw a contrast wholly to our own advantage. Our highest sensibilities are shocked by the thought that two young lives should be irrevocably united long before they are, or can be, capable of appreciating the gravity of the event. We feel not only that thus manhood is robbed of one of its most sacred rights—the right of choice,—but we are painfully oppressed by the sense of the possibility of happiness precluded, and of misery entailed, by such a custom; and, in her enforced marriage being denied a voice in the disposal of her own hand, the fate of the little Hindoo bride appears to us pathetic. Again it is with something akin to horror that we shrink from the thought, that so large a proportion of our fellow subjects should be doomed, without a hearing, to the same fate, imprisonment for life—which our laws reserve for our blackest criminals: her only crime being the involuntary one of being born a woman! We cannot wonder at the perversion of maternal love, that leads so many to seek an outlet from their own hard lot for their innocent babes, and renders the crime of infanticide so awfully common as it is. In the same way all that is best in us awakes in indignant protest against the fate which inexorable custom, in its stern relentlessness, has decreed for the Indian widow.

That a being, perhaps, still in the artless innocence of childhood,* or in the earliest bloom of maidenhood, or perhaps at the very moment when the hope of maternity is awakening for the first time her heart to rapture, should fall under this terrible blight, and be doomed to a lifelong penance more rigorous than that set up by the most bigotted of ascetics, thrills us with horror, Nor can we wonder at the eagerness with which the young and ardent widow embraced her only chance of escape from her misery, *viz.*, the brief but for her glorious agony of *Suttee*. We, ourselves, can only marvel that all that a beneficent and enlightened Government has been able to do on her behalf, is to

* It is well known that it is still far from unusual to *betroth* (which with the Hindoo is equivalent to marriage—being not only irrevocable but precluding *re*-marriage) their young daughters at any age ranging from 8 years to 12. Many cases might be cited of little girls of still tenderer age having been given in marriage. It is thus obvious that widowhood may often occur in mere infancy. That it does so is evident from the fact, that it is decreed that the widow's *fast*, need not be enforced till the child is eight or nine years old!

close to her this, her sole door of hope, and leave her the helpless victim of a fate, than which none more harshly cruel has ever stained a nation's annals. The Hindoo widow is as practically beyond the reach of the law, as the Pariah dog of which, in her degradation, she is but the human antitype. Hunger, thirst and weariness are her lifelong companions. In sickness, as one under the bann of the gods, none will tend her: in health, she is the despised drudge. In the midst of the family, she lives alone, shunned and unpitied. When at last starvation, sickness, and sorrow have done their work, and she gathers up her poor shrivelled form to die on the cold stone floor, none will weep for her or lament!

These facts hem us in, their evidences confront us on every side. Each time we drive abroad we are reminded of them. Those luxurious equipages that crowd our maidans or public promenades *are filled, we observe, with native gentlemen only. Yet we know that by Hindoo law they are each and all compelled to marry, many of them doubly and trebly! "Where, then, we may well ask are their wives? Where their daughters, their sisters? After the weary, stifling hours of a tropical summer's day, have the swift drive in the cool evening air, the softened tints of sunset skies, the mingled perfumes from a thousand flowering shrubs, no charm for them? Is it the men only who appreciate these delights? To argue thus, would be to misapprehend completely the situation. In some cases, of these familiar things the secluded zenana lady can form no conception; in others she retains only the faint impressions of infancy. From the hour of her marriage she has been as dead to the world around, and the world to her, as ever nun within her cloistered cell!

Or, again, we pass some huge unwieldy conveyance. Not only are its doors and windows hermetically sealed, but it is entirely shrouded in a cotton pall. It is, indeed, but a hearse for the living. It is guarded jealously on every side, and the uninitiated might easily mistake it for a convoy of desperate criminals on their way to the gallows. It is however merely a native lady journeying from one of her husband's residences to another. Of the scenes through which she is passing she is as completely ignorant as when immured in the seclusion of the zenana, and we must conclude that only centuries of habit could enable her, with her companions and attendants cooped up with her, to survive the deprivation of breathing space to which they are necessarily subjected during the dangerous transit. But it may with reason be asked, what is the connection of all this with the immediate

* In this respect Bombay forms a noble exception to many other provinces in India, Parsee and Marrhata ladies, taking their full share in the pleasures and recreations of society.

subject of this paper? We hope to be able to shew that it bears to it a very close relation. When we remember that it is among a people of whom these are a few of the accredited customs, that our exotic homes are planted, may we not infer that the immense contrast between our respective social and domestic institutions must be one of the earliest reflections forced on the minds of our Hindoo friends, when admitted, as they now are, in numberless instances, to a sufficient degree of intimacy to afford them this opportunity. Can their amazement be inferior to our own, at the different position occupied by the ladies of our families, at their freedom from restraint, their culture, their education? And observing to them so astonishing a phenomenon, may we not suppose that a very rigid comparison is likely to be set up between our respective systems. What if the future of India's women is but waiting on the verdict given? What if the only advocate, on behalf of these silent millions, be the unsuspected influence of the lives and characters of their more privileged English sisters? The thoughtful reader can pursue to its legitimate conclusion this reflection: it would seem to throw around the lives of Anglo-Indian ladies a significance startling in its gravity. The levity of modern thought has substituted, for the good old fashioned phase, man's *helpmate*, that of his "better-half." The idea that a wife was a fellow worker with her husband, taking up and sharing with him cheerfully the burdens of life, would appear to be somewhat exploded, the modern idea seeming to favour the supposition of her being but an elegant and somewhat costly appanage. We think woman occupied the more honorable and dignified position, when in good old Saxon and scriptural phrase, she regarded herself as indeed his *helpmate*. Nor shall we do her such injustice as to doubt that a vast number cling to the ancient ideal. For their benefit we might then suggest the following inference. If husbands or Englishmen generally hold themselves deeply responsible for the good of India, can their wives or Englishwomen possibly believe, that with them none of this responsibility rests? If the men are helping, or retarding by their influence and example, India's progress, must not woman be doing the like, though perhaps within a narrower sphere? And if we are pursuaded that our own moral standards and beliefs are as far in advance of Hindoo standards as our religion is in advance of Hinduism, is it not natural to suppose that the native, who knows little or nothing of either theoretically, will draw his own conclusions as to their value, from the interpretations he reads in our lives. The Englishman and the Englishwoman alike, will wittingly or unwittingly, embody, to the native mind that standard of moral excellence which we owe to centuries of possession of the purest faith that has ever blessed mankind.

We believe there are still very many in high, as well as in less influential places, who would not willingly place stumbling blocks in the way of those, who, finding the beliefs of ages slipping from their grasp beneath the inexorable facts of positive knowledge, and yet appreciating the disastrous results to nations as to individuals of the loosening of all faith, and the drifting of society amid the wreck and chaos of all creeds, would naturally turn with an intelligent interest to examine the claims of that religion which has been introduced among them by the nation which, along with her scriptures, has brought to them the blessings of justice and of peace. Yet such must surely be the result if the higher mandates of our religion are practically discredited in our lives: and it is a danger to which our women as well as our men are exposed. Each Englishwoman, in her own Bungalow, is the centre of an influence, and the cynosure of an argus-eyed criticism, even to her most insignificant acts, to which her English life offers no parallel. The smallest establishment will contain from ten to a dozen, the larger, from a dozen to twenty or thirty servants. With every one of these the *Mém Sahib* is more or less in contact, and the happiness and comfort of their lives depends largely on her supervision. From her they receive their orders, and very often their pay, and they recognise the link to the *breadgiver* in a way that, to her, is sometimes, to say the least droll, and address her, not unfrequently, as at once "their *father and mother.*" Can it be believed that it is not within her power, in the immediate circle of her own dependants, to do an infinity of good? When it is remembered that they are from infancy lapped in ignorance and prejudice; that of what we understand by moral training they have had none; and what to them stands for religion is gross superstition; surely here alone is scope for all her energies and faculties. Yet how many, we would sorrowfully ask, have recognised the trust Providence has placed in their hands? What is done by the English mistress to dispel the ignorance, combat the superstition, raise the moral tone, or replace by instruction in the tenets of a nobler faith, the degrading superstitions of her household? To this reproach the usual reply is, "Oh! I do not know enough of the language to do more than just give my orders." In saying this she furnishes indeed a reason, but one can scarcely say an excuse. The Hindee or Urdoo languages offer absolutely no difficulties to the student that any lady of ordinary linguistic ability may not easily overcome. And were it once acknowledged or admitted that no lady can be a good mistress, even in the ordinary sense of the word, without a knowledge of the vernacular, we are convinced that not a few would, with the spirit and energy for which our country-

women when aroused are so conspicuous, tackle a difficulty that a little perseverance on their part could so easily overcome. Almost all have spent years of study in acquiring European languages: yet to not a few the advantages of these acquisitions are purely theoretical. But to the lady in India, Hindoostanee is the language in which she is compelled to conduct her domestic affairs for the best part of her life. What is worth doing at all, is worth doing well, is a wise if homely axiom, which with advantage might here be applied. If speaking the language be a necessity, why not do it well, that is to say grammatically, idiomatically, but above all intelligibly? We are convinced our English ladies can have little idea of the distressing effect on the ear of that peculiar lingo with which they address their servants, and which may not inaptly be compared to the *pigeon* English of the Chinaman. Nor can this be matter of surprise since they will generally volunteer the information, that it has been acquired by the mysterious process of "picking up!" At the risk of being tedious, we venture to quote another homely saying, that in this as in other things we fear there is no royal road to knowledge, and that the more usual method of giving it a little study will unquestionably be productive of happier results!

We might, as an inducement to try the latter method, hold out to them the hope, that half their domestic difficulties will disappear with the process. Our Hindoo servants are certainly a little exasperating occasionally; but if only the fair "Cherisher of the poor" could know the precise nature of the order she issued, when honestly *intending* something quite different, she would certainly be less surprised, and probably much less indignant, at the unexpected results! Rather, we might say, her indignation would be amusingly diverted. Our servants are not brutally indifferent to our displeasure, nor, as a rule, desirous of controveing us. We should not greatly err, if we conclude that when our orders are misinterpreted, a considerable margin was left for the imagination in the way they were given. It must be observed that very many mistresses in India indulge in a tone of irritation and command when addressing their native servants, that would not be tolerated by our household servants at Home. The evil is to be deplored, though not inexcusable. The strain on nerve and temper of the climate is often intense, and when to this is superadded an apparently dogged obtuseness in taking in her orders, exasperation is apt to explode in a way that must cause much after humiliation and self reproach. The habit of giving full and clear instructions to servants on the nature and manner of the duties expected of them, which is impossible where the command of the language is defective, would do

much towards remedying this regrettable tendency and with the linguistic difficulties, the other impediments to a mild and gentle, yet firm régime, would be minimized if not altogether disappear.

Great scope for all that is most loveable and best in woman may be realized within her own compound. Her dominion is a conglomerate not of individuals as in England, but of families. Cases of sickness will arise where medicines, nourishing food, and a little sympathetic interest will go a long way to win confidence and gratitude. There will be quite a little tribe of children growing up around her, in whose education she may interest herself: and, if at all gifted in that way, by herself forming a little Verandah School, she may do much to mould the rising generation. The experiment has been tried with encouraging success of assembling the servants, so disposed, on Sundays for religious instruction. When it is fully understood that no privileges or disabilities are incurred by attendance or non-attendance, which should be entirely optional, it will be found that all creeds and castes will readily join in a simple service of prayer and song to a common Creator, and listen with great interest to Bible histories intelligibly rendered.

These simple suggestions, with others that will readily occur to each individual mind, will add a zest to domestic administration, and will tend to weld into one community the servants of our families, giving to them and us a bond of kindly feeling and good will, that we are quite sure would go far to reconcile many an English lady in India to the unhomelike surroundings of her domicile. She will feel the internal satisfaction that her life is not barren of practical benefit to those around her; and though still exposed to occasional disappointments, she will, by the course we have indicated, gradually attract and keep a superior class of attached servants, who are far from indifferent to the consideration and the repose they meet with in a well ordered establishment.

The advantage of having acquired a good conversational knowledge of the language will be no less keenly realized by the lady, who desires to do, graciously and with dignity, the honours to her husband's guests, who, thus received, will always appreciate the privilege of being admitted to intercourse with the female members of his family. What can be more melancholy than the spectacle of an English lady in her own drawing-room unable to exchange ten consecutive ideas with natives of rank and distinction, and therefore reduced to silence or dumb show? Her visitor, no less embarrassed than herself, can carry away no other impression than that the ideas of the Sahib's better-half, notwithstanding her greater opportunities, are as circumscribed as those of his own in the zenana; and in compar-

ing the two, may be inclined to prefer the gracious complaisance of the latter, to what to him appears the distant and haughty reserve of the former. This is in fact the case. Very frequently have we heard the native nobles of our acquaintance remark—"So-and-so is a very nice lady; she is so kind in her manner, and she understands our language. When we converse with her we are quite delighted, and come away improved and encouraged. Mrs. So-and-so is also very nice: but she cannot speak our language, and we feel ashamed and embarrassed. Some ladies also make us feel that they look down on us too much to enter into conversation with us."

One more instance amongst many, where a knowledge of the language would be found of essential importance, we will venture on suggesting. As the houses of the native gentry are more and more thrown open to the zenana teacher, a great and increasing desire is evinced by their inmates to receive the visits of English ladies. Their eagerness is, in fact, sometimes touching. It is as if the caged bird, who has never tried its wing, invited its feathered compeer to alight but for a few seconds on its narrow home, and reveal to it some of the secrets of the universe from personal contact with which it is for ever debarred. It is to be hoped that English ladies will widely respond to this desire. Not only may they in this way give valuable help to those who have undertaken the arduous task of carrying, within the narrow compass of their homes, the light of knowledge, but they would encourage their pupils in their hardly less difficult one, of ascending the steep ladder of learning. To do this effectually, it is, however obvious, that a knowledge of their language is essential. The eagerness with which the Indian lady will ply with questions her English visitor, will in itself sufficiently demonstrate how unsatisfactory to both parties would prove a visit passed in silence.

The few hints we have given will, it is hoped, fully suffice to shew that there is ample inducement to the earnest minded to study and master the language of the country. It has been truly said, "our knowledge of men and things is in proportion to the number of languages we have acquired." In India the principle holds equally good. Ignorance of the language means ignorance of the people, and ignorance of the people, if it be productive of no positive harm, must at least render attempts at good abortive: but where knowledge and good will go hand in hand, the good within the scope of all cannot be overrated.

Female education at home is making prodigious strides: it may almost be said to be keeping pace with education in all its various branches. It seems impossible, but that sooner or

later itmust raise the tone of Indian society. It can hardly be, and it is to be devoutly hoped for, that men of so high a culture as our civilians and others, will long rest satisfied with companionship for life with those whose soul dwells in dress, lawn-tennis, or the waltz.* The importance attached to the first of these cannot fail to strike the thoughtful observer of its phenomena, any more than the variety and richness of the costumes. One would naturally conclude that the majority of Government officials were enormously wealthy, and that after all there was a wide foundation for the prevalent opinion, that their lives are passed in unbounded luxury. Yet, a closer inspection will often lead to the bewildering conclusion, that very often the costliness of a lady's dress, is in inverse ratio to her husband's income. It is not the *bari* but the *choti* Mem Sahib who is most conspicuous for the magnificence of her attire. Failing to arrive at a satisfactory solution of the problem unaided, we referred ourselves to one of these *little* ladies herself for an explanation, and herewith we furnish the reader, who may have shared our difficulties, with the result.

In a moment of confidence she was bewailing the precarious nature of her husband's profession, and in the event of accident, the fact that "she and her babes would be left on the world to starve without a penny."

We not unnaturally glanced somewhat incredulously at her handsome costume of costly materials.

"Then why on earth are you dressing as you do? The money you spend on your fine clothes would be better laid by to secure at least bread for yourself and your children."

"Oh! You see, everyone dresses so well, and one is looked down upon if one is not a swell as well as the rest! But we are really dreadfully poor, and to tell the truth my dresses are *not paid for*, and I doubt much if ever they will be! We can barely make ends meet, and as a matter of fact, towards the end of the month I never have a rupee in the house. It is quite dreadful: you would hardly believe it!"

"No, indeed, who would, seeing you dressed like this. But what do you do under these distressing circumstances?"

"Oh! I borrow from my Ayah, if she happens to have any money left."

"And if not?"

"Oh! then she pawns her jewellery, and when pay day comes round, I repay her with interest."

* It must not be supposed that we quarrel with these recreations in moderation and in their place. What we object to, is that they should be raised into a place of importance they are not entitled to, and be regarded not as the recreations of existence, but as its objects.

What impressed us most in this revelation was the fact, that the finery necessary to keep up our friends self-respect in society was not paid for! If ladies in general were equally frank, we wonder if this would prove to be the missing link in the social problem; and if so, what a train of reflections must follow in its wake?

How many of the ladies of our society are mothers with little ones far away. If the dresses necessary to feed their vanity are not paid for, where will the far heavier item of travelling expenses be found, which is essential to their restoration to their children? Is the consolation to be found in glorious apparel sufficient to outweigh their maternal instincts? And if their means are inadequate to meet their actual expenditure, how will they be made to fit the possible exigencies of a break down in health of the breadwinner, and many other disasters only less ominous, with which our Indian experience has rendered us but too familiar? As with the depreciation of the rupee, the entire Anglo-Indian community find their incomes steadily decreasing, the duty of rigid economy will become an increasing necessity; aud while every other item in domestic expenditure is reduced within its narrowest limits, will that of her personal vanity be the only sacrifice that our Indian lady will refuse to undergo?

Extravagance in dress is telling very imperiously on the matrimonial market. Man, as a rule, is but very slightly impressed with magnificence of toilet, and his masculine mind, when it reflects on the subject at all, will be found to be drawing conclusions very different from those with which his lady friends are crediting him.

Mrs. A. catches the eye of Mr. B. with thoughtful seriousness roaming over the toilet which has cost her husband so many rupees and herself so much anxious concern. She reflects something after this fashion: "Ah! he cannot help admiring my dress: it is really a success; I am quite the best dressed woman in the room!" while in reality his thoughts are somewhat on this wise. "How is it possible that B, on *his* income, can afford to dress his wife thus? It is quite evident I must give up all thoughts of matrimony. Ladies seem to want so much; and how, on my income barely sufficing for my personal wants, could I risk the chances and responsibilities of marriage!" The influence of dress over the feminine mind and the importance she attaches to it, are problems men find it hard to understand. They do understand and appreciate the importance and implied flattery of ladies trying to look well: and good taste in dress is of equal value with good taste in everything—one's house, one's garden, one's table, but it is something perfectly distinct from extravagance. How few ladies

would feel satisfied with simply looking well, if they were not buoyed up with the knowledge that their dress is of actual marketable value! This feeling is really worth analysing: but it is one on which men are quite at sea!

"Why do you not marry?" we asked a friend who complained loudly of his need of home comfort.

"Marry; my dear fellow, what on earth can a man find in India to marry?

Girls now-a-days seem to have but two ideas, their dress and lawn-tennis. What man in his senses whould link himself for life to a being who had no soul for any thing else?"

Our friend was severe, but a few of us will perhaps grant he had some shew of reason for his severity. Indian officers are intelligent men, and they naturally seek intelligent companions, and if ladies were to spend but one-half the care in furnishing their minds they do on their persons, they need not fear but that they will be appreciated. They are also naturally, as men who work hard for their living, prudent, and they seek prudent wives, wisely to spend and save their earnings. Many of them are still God-fearing, and they need wives who can partake of their hopes of immortality. Among them are hardworking, home-loving men—and their ideal of bliss is to consort with one to cheer them in health and nurse them in sickness, and who will tend their houses and administer their homes with discretion. All are Englishmen, and they love in their wives what is essentially English, and not that mongrel hybrid of French finery and English dulness into which, alas! it would sometimes appear to be the ambition of our society ladies to transform themselves. Too often their eyes roam over the waste of mindless matter, and they seek their soul's complement in vain. If in the keenness of his disappointment man feels tempted to accept the Arabian prophet's dictum, and deny woman that soul of which she herself seems to deprecate the imputation, can she blame him very severely?

We fear that from the foregoing cursory survey of her influence in her home, on society, and on the native population, the conclusion must, however reluctantly, be arrived at, that in a great majority of instances the women of England have not done justice to the high prestige of their country's position, nor have they very generally been awake to the responsibilities thus entailed. In India, pre-eminently, where as one who as well qualified to judge remarked, "deterioration so rapidly and surely does its work on the moral no less than the physical constitution," woman's influence in initiating what is noble and discouraging what is base, is eminently needed. Vanity, and the love of display, have too often robbed her of her claim to our reverence; and while her selfish love of ease and pleasure makes many an Indian so-called home but the

phantom of its English antitype, to the great work of India's enlightenment she stands in a position of absolute neutrality. Can we exempt her from blame if the general tone of society is degenerating, if contributions to benevolent objects become ever increasingly scant, and religious enthusiasm seems to die a natural death in the stifling atmosphere of Indian life?

This seems a heavy bill of indictment, but it is for our English sisters to cast the stigma from them by lives devoted to noble ends, and a courageous resolve that neither the enervating influences of climate, shall frighten them from their post of duty by their husband's side on the plains, nor the syren voice of pleasure lure them. The highest lady in the land is leading the van, and now, if ever, will their *right* to work for India be acknowledged.

We hope we have said enough, on a subject really inexhaustible, not only to stimulate the earnest but also to point the way in which practical usefulness is within the reach of all. To mothers and fathers about to introduce their young unsophisticated daughters to the country, we would fain say one word of advice:—Forewarned is forearmed. You whom experience has taught where the pitfalls for her innocent feet lie, guard her on her first entry into society from its baneful influences. Be ever at her side as she looks out with wistful eye on its living drama, and teach her to discriminate between the evil and the good. Supply her with objects worthy of her interest, at the outset of her career; encourage her to study the language, history, and customs of the races among whom her lot is cast. Foster within her a sense of personal responsibility as regards them. Place within her reach opportunities, and carefully shield her from frivolous companionships Abstain in her presence from the degrading avariciousness that too often stamps Anglo-Indian conversation, and give her your hearty co-operation in any plan she may originate for good. Make her a sharer in your own pursuits as much as possible, and above all, your personal convictions as to life and duty. Do not degrade her to the level of a spaniel by foolish indulgence, but rather let her learn from your example that pleasure sought as an end is illusive, and ever follows in the wake of faithful devotion to duty.

In this way we think our daughters may cherish a confident ambition that they will prove worthy of their great country, their higher culture, and their ennobling faith. Thus they may aspire to become pioneers not of civilization only, but of religion. And thus they may with hope expect the day when India's daughters as well as sons will, with some shew of reason, call them their "*cherishers*—their "*protectors*" and their "*mothers*."

J. E. DAWSON.

ART. VI.—IMPRISONMENT FOR DEBT IN INDIA.

[FIRST NOTICE.]

OF all the relics of a barbarous age which disfigure the Indian Statute Book, the incident of imprisonment for debt has clung to it with a tenacity which, to the unsophisticated mind, is simply incomprehensible. Whilst England the other European powers, and the States of America have legislated against it, we are still lingering on the threshold of the epoch which divides the feudal ages from modern civilization. Several attempts have been made, from time to time, to remedy the evil, but it has never advanced a step beyond newspaper controversy. With the advent of Lord Ripon's *régime*, a faint hope was entertained, trusting in the character of the ruler, that this great blot in the administration of the country would be removed before long, but like the generality of the measures conceived by his government, which have met with opposition from 'vested interests,' the project was nipped in the bud.

The only circumstance that could be urged in favour of the practice is, that it bears the stamp of venerable antiquity. But it will, I hope, be conceded that society being then in its infancy, it spake as a child, understood as a child, and thought as a child. But now that we have outgrown that state, can it be said we have put away childish things. The well-being and security of a community at the dawn of history required, to a certain extent, the exercise of brute force, but with the ushering in of the reign of law, the necessity for it no longer existed. In later times again, when the claim to liberty and equality of individual members of the great human family came to be recognized, force was resorted to, to compass the end which the law denied them. At Athens and Rome permission was at first given to sell such debtors as were insolvent; and a great many again sold their children for the purpose of satisfying the creditors' demands: but Solon the great legislator of Greece, redressed this abuse by ordaining that no man's body should answer for his civil debts. If we are to believe Roman historians, the cruel laws against debtors endangered the life of the young republic. It is related by a competent authority (Dionys. Halicarn. Roman An Book 6) that a man covered with wounds escaped from his creditor's house and appeared in the forum; opportunity was taken by other citizens who were confined by their creditors to break loose from their dungeons. The people became excited, withdrew to the sacred mount, and only returned when a magistrate was appointed to defend them. Particular laws

were passed to facilitate the payment of debts; and in the year of Rome 428, that is, 120 years after the law of the twelve tables, the consuls proposed an enactment which deprived creditors of the power of confining their debtors in their own houses. But the doom of their cruel treatment was sealed when, in the year of Rome 465, a usurer named Papirius attempted criminal force upon a young man named Publius whom he had kept in irons. The people again retired to the Janiculum, and did not return to the city till new vigour was given to the law made for the safety of debtors. Sextius' crime secured the political liberty of Rome, that of Papirius its civil liberty. Since the latter period creditors were oftener prosecuted by debtors for breach of laws against usury than the latter were sued for refusing to pay them. The Assyrians, whose civilization dates from upwards of 2,000 years anterior to the Christian era, seem to have been more consistent and rational in their treatment of the connections of a debtor, than we are with all our boasted modern enlightenment and maudlin sympathy for suffering humanity. Thus, in one tablet, purporting to be a marriage settlement, it was especially stipulated that if the husband lost his liberty, the wife should go back to her father's house: in other words, the marriage should be dissolved. Society in those days realized thoroughly the stigma attached to the opprobrious term "jail bird"; and to save the wife the degradation of being ever afterwards associated with one who had fallen in the world, it was merciful enough to release her from her marital obligations.

It is true Indian legislators do not, like their Roman brethren, make over the body of a debtor to be hewn into pieces and divided among his creditors, or permit his family to be sold as slaves for the benefit of the latter; but in the sense that general ruin is brought upon a man pecuniarily embarassed by the proceedings of our courts of law, there hardly seems to be any difference in the *fiat* of the two codes. It is also true that, not so very long ago, a heartless creditor could execute a decree against the corpse of a debtor, and detain its interment until the amount was paid, with the alternative of the body rotting in a vile dungeon under a writ issued from a tribunal of a Christian government. *Fiat justitia ruat cœlum; Judex damnatur cum nocens absolvitur*, are doubtless high sounding maaims in theory, but their practical application is attended with serious inconvenience, if they do not involve a great deal of positive injustice. Before proceeding farther, it would be well to take a bird's-eye view of the several legislative measures which have, from time to time, been in force in India on the subject of the relief of insolvent debtors, and how the provisions of the law have operated.

The earliest enactment applicable to the whole of Bengal, with the exception of the Metropolis, on the subject of "the relief of insolvent debtors and their sureties who may be in confinement for the satisfaction of the decrees of the civil courts, and may have no means of discharging the amount demandable from them by instalments or otherwise," is to be found in Reg. II of 1806 Section 11 empowers the Zillah and Civil Courts, the Provincial Courts, and the Sudder Dewany Adawlut, to afford them relief on receiving a statement on oath, containing a fair disclosure of all property belonging to them. It was to be followed by an inquiry to ascertain the truth of such statements, or the validity of any objections to them. If the former appeared true and faithful, and the person imprisoned had no other means of paying the amount due, and had surrendered whatever property he was possessed of, the Court, after causing it to be sold, had authority to release the debtor with or without security for appearance, provided he was not guilty of a fraudulent concealment of property or any manifest fraud or misdemeanour. But this release did not prevent the creditor from bringing to sale any property which might have subsequently accrued to the debtor, in full payment of the sum adjudged against him, or from causing him to be again confined, on its being proved that he fraudulently concealed any property in his own name, or in that of others at the time of his discharge. This provision was, however, subsequently modified by clause 7, section 45 of Regulation XXIII of 1814, which enacts that, with a view to prevent protracted imprisonment for an inconsiderable amount, no person was to be confined in execution of a decree not exceeding Rs. 64 (sicca) for a longer period than six months. I may as well remark here that strangely enough, the Regulations of 1806 and 1814, continued in force, even after the establishment of the Insolvent Act in Calcutta, and insolvents were obliged to come to the presidency town to take the benefit of the Act.

Coming down to later times, Act VIII of 1859 (repealed by Act XIV of 1882) contained some provisions for the relief of insolvent debtors, but they were so crude and vague, and their operations so uncertain, that they offered little or no inducement to a debtor to apply for his discharge under them.* To begin with, the debtor was permitted to plead insolvency,

* Long after the above lines were written, the writer of this paper lighted upon para. 3 of the Statement of Objects and Reasons appended to the Indian Bankruptcy Bill, 1886, which runs as follows :—

Sir Arthur Hobhouse did not attempt to touch the insolvency law of the Presidency towns, but he paid a good deal of attention to what he described as "those seldom-used sections" of the Code of Civil Procedure

but not until *after arrest*; and as it has been lately decided by a bench of the Calcutta High Court, that the time during which the judgment-debtor is in the hands of the bailiff is tantamount to imprisonment, it is evident that he must suffer the indignity of his position before asking for relief. Secondly, under section 273 of Act VIII of 1859, "any person arrested under a warrant in execution of a decree for money may, on being brought before the Court, apply for his discharge on the ground that he has no present means of paying the debt, either wholly or in part, or, if possessed of any property, that he is willing to place whatever property he possesses at the disposal of the Court. The application shall contain a full account of all property of whatever nature belonging to the applicant, whether in expectancy or in possession, and whether held exclusively by himself or jointly with others, or by others in trust for himself (except the necessary wearing apparel of himself and his family, and the necessary implements of his trade,) and of the places respectively where such property is to be found, or shall state that, with the exceptions above mentioned, the applicant is not possessed of any property; and the application shall be subscribed and verified by the applicant in the manner herein before prescribed for subscribing and verifying plaints." Now, what I would like to ask is, how could any person present such a statement of his property the moment he is "arrested and brought before the Court." Even in the case of his possessing no property, he may have no time to prepare his application in the prescribed form with the necessary verification, &c. In the next place, how could he immediately "furnish good and sufficient security" for his appearance in Court (*vide* Sec. 8, Act XXIII of 1861), pending any enquiry which the Munsiff might consider it necessary to make into the allegations of either party. If an opportunity is to be given to the unfortunate debtor to avail himself of this apparently beneficient

"which do duty for an insolvency law" in the Mufasal. Speaking on the subject in 1875, he remarked that the Code then contained the germ of an insolvency law, but nothing more than a germ. He believed that this part of the Code had been very little used, and he remarked that if this was so, it was not surprising, as there was very small inducement to the debtor to avail himself of it. It seemed, however, he went on to say, to be the prevailing opinion that the judical machinery in the Mufasal was hardly adapted to the working of any general and complete law of insolvency. At all events, he said, such a law should be treated as a separate measure, and not as part of the Code. It would probably, he added, be better for the present, and be likely to pave the way for some more complete measure in the future, if the Legislature were to make the law a little less rudimentary than it then was, and at all events to supplement it where it seemed to be broken off in its natural course; and he embodied in Chapter XX of the Code of 1877 certain provisions framed in accordance with these views.

provision, it is obvious that the enquiry should precede the issue of a warrant for his arrest and not follow it; for the simple reason that if the debtor possesses the means of paying, the process should issue against his property and not against his person. On the other hand, if the warrant have been improperly issued, and the debtor unnecessarily apprehended, the wrong done to the creditor would be irreparable. As has been aptly observed by a great lawyer:—"to arrest without enquiry is to punish the larger number of debtors because the smaller require to be coerced."*

I may here be permitted to remark that the regulation laws on the subject were harsh and completely at variance with the *lex loci*, which the Government of those days professed to respect. By the Hindu law imprisonment for debt was wholly prohibited, until all other remedies had failed. The Mohamedan law (based on the *fatwa* of the Kazi) kept in abeyance the immediate imprisonment of the debtor, unless he repudiated his liability, and it was established by the testimony of witnesses. On the other hand, if he acknowledged the debt (not arising from suretyship) he could not be imprisoned "unless the creditor established his solvency;" in which case the Kazi was to "determine the period of imprisonment in cases of apparent insolvency." At any subsequent period, however, the debtor might be liable to arrest, "on proof of his ability to discharge his debt." This provision of the Mohamedan law, which has been denounced as barbarous, has been scrupulously transferred to our regulations, at the same time that the legislators overlooked whatever was in favour of the prisoner. An eminent Indian lawyer whose opinion is certainly entitled to respect says, "when the long continued but great imperfections of the English laws are considered, the natives of this country cannot complain of the defects of the laws administered to them, especially if it be remembered that the introduction of the insolvent law into India, was not owing to the benevolence of the Imperial or any other legislature, but to the foresight of a 'princely merchant' whose insolvency was

* In this connection, Edmund Burke, one of the greatest of modern jurists, says in his usual forcible style, "every idea of judicial order is subverted by this proceeding (imprisonment for debt). If the insolvency be no crime, why is it punished with arbitrary imprisonment? If it be a crime, why is it delivered into private hands to *pardon without discretion*, or to punish without mercy." The argument is simply unanswerable and ought to have some weight with our legislature.

Montesquieu in his *Spirit of Laws* very appropriately observes:—"Great is the superiority which one fellow-subject has already over another, by lending him money, which the latter borrows in order to spend, and, of course, has no longer in his possession. What must be the consequence if the laws of a republic make a further addition to this servitude and subjection."

inevitable." After Act VIII of 1859 had been in force for nearly a quarter of a century, it was repealed, and Act XIV of 1882. came into operation. Past experience showed that the law for the relief of insolvent debtors did not work satisfactorily, and instead of introducing the subject incidentally into the New Code, a separate chapter was accorded to it, and the provisions were built mainly on the lines of the English Act. In one point, however, there is a decided improvement on the old Code. By the new enactment the arrest of the judgment debtor is not a *sine qua non* for the purpose of declaring him an insolvent. Section 343 provides that "any judgment debtor arrested, or imprisoned in execution of a decree for money, or *against whose property an order of attachment has been made in execution of such a decree*, may apply in writing to be declared an insolvent. Any holder of a decree for money may apply in writing that the judgment-debtor may be declared an insolvent." The italics are mine. In the Mufasal, the application is to be made to the District Civil Court within the local limits of whose jurisdiction the judgment-debtor resides or is in custody. This provision was meant to take away the power of adjudicating on a petitioner's ivsolvency from the jurisdiction of the Munsiff, and to transfer it to the District Judge. Whether the public have gained by this change is a question which I will not stop to discuss here. But one thing is certain, that if returns are called for from the Mufasal Courts, they would show, beyond the shadow of a doubt, that 95 per cent of such applications are rejected by the District Courts, whose sympathies are entirely with the creditor, leaving the judgment debtor in a most embarassing position. Now, considering that in the Presidency towns the case is exactly the reverse, and that only a very small percentage of the insolvents have their petitions dismissed, we are driven to adopt one of two conclusions: either that this class of men are more dishonest in the provinces than they are in the Presidency towns, or that those who preside over the Provincial Courts, do not possess that judical acumen and a necessary knowledge of English law, which would enable them to pronounce an impartial judgment on the merits of the case. They stop the insolvent's mouth in the early stage of the proceedings by vague and irrelevant questions, and the whole thing ends by the Court refusing relief in the majority of instances, on the ground that the debtor has rashly incurred liabilities which he is unable to discharge. If they had taken the trouble of consulting English cases, they would have found there is a consensus of opinion on this point which has been emphasised by Lord Justice Turner, that the Insolvent Court should not generally deal severely with cases of mere imprudence or extravagance, but should set its face most

strenuously against every description of fraud or false representation, and this is the practice to which the High Courts in India have conformed. It would, therefore, not be far from the truth to say that the insolvent law as at prevent administered in the Mufasal is, for all practical purposes, a dead letter.

There are also some minor changes introduced into the new Civil Procedure Code, which though not of much importance in themselves, yet show very clearly the tendency of later enactments to effect some amelioration in the condition of judgment-debtors, and to substitute less stringent rules as regards the period of incarceration in jail. Thus, for instance, under the old law, no person could be imprisoned in execution of a decree for a longer period than two years, whereas Act XIV of 1882 limits it to six months, and to six weeks if the decree be for the payment of a sum not exceeding Rs. 50. Not to take an extreme case, let us suppose a person is indebted in the sum of Rs. 50,000. Divesting the formula of its legal subtlety, the proportion stands thus:—six weeks: Rs. 50:: six months: Rs. 50,000; by what process of inductive or deductive reasoning our amiable legislators have arrived at the foregoing conclusion, I leave to the common sense of my readers to decide. If this is not holding out a direct premium to the practice of the grossest dishonesty I do not know what is. The law proclaims to the impecunious in the plainest of terms, that the penalty for indebtedness is in an inverse ratio to his liabilities. If taking it at its word a person were to go the entire length of exhausting his capacity for borrowing, could we, morally speaking, hold him exclusively responsible for the consequences? Perhaps it will be said that some ratio must be established between a debt and the exacting of the proverbial pound of flesh from the debtor, and that since there is no practical limit to indebtedness, no hard-and-fast rule could be laid down applicable to every individual case, and a line, however rough or inexact, must be drawn somewhere. To this I reply most emphatically, do away with the civil jail altogether, for so long as it is a prominent institution in the government of the country, all these futile attempts to gloss over the inhumanity of viewing indebtedness as a crime, will redound to the discredit of those who sacrifice the character of peaceful and law-abiding subjects at the unholy altar of grasping avarice and usury.

I now come to the law which governs cases of insolvency in the Presidency towns, and in Rangoon, Moulmein, Akyab and Bassien in British Burmah. The first Indian Insolvent Act was passed in the ninth year of King George IV. Then followed a succession of enactments in the reign of King William IV, and in that of Her Majesty the Queen-Empress, until by 11 and 12

Victoria, Chap. xxi, the main provisions of these legislative measures were consolidated into one law which is in force to this day. When the former came into operation, there existed in England two separate laws of insolvency and bankruptcy, the one affecting people not engaged in any trade or business, and the other applying only to traders. Many of the provisions of both these Acts were incorporated into the Indian Act; and although by later legislations, such as those of 1869 and 1883, the old distinction has been abolished in England, in India, on the other hand, the distinction between an ordinary debtor and a debtor who is a trader has been scrupulously preserved. The creditors of an ordinary debtor "may petition the Court that he be adjudicated an insolvent, if he is in prison for debt, damages, costs or contempt for non-payment of costs," and have not made satisfaction for 21 days. The creditors of a debtor 'deemed' to be a trader can, "if his debts reach a certain amount fixed by the Act," petition the Court that he be adjudicated an insolvent, if he is in prison for debts, costs, contempt for non-payment of money or costs, for 21 days, or, if with intent to defeat or delay his creditors, he have departed from the limits of the jurisdiction, or departed from his usual place of business, or made any fraudulent gift or conveyance, or suffered his lands and his goods to be attached. To the uninitiated in such matters, there appears to be merely a distinction without a difference in the status of the two classes of debtors. The fact, however, is that underlying it, there is a wide gulf between an 'insolvent' pure and simple, and the 'bankrupt,' which could not be bridged over for the convenience of the former, unless he has recourse to chicanery to help him in landing safely on the other side, and the law willingly lends him a helping hand. An, 'insolvent' is only entitled to his personal discharge, and the final discharge is postponed, until he has either paid up one-third of his liabilities, or the majority of his creditors consent to his release. In almost all cases he is unable to meet the demands of his creditors, or to enlist their sympathy. The law is, consequently, held *in terrorem* over him for the natural term of his existence. Should he come into possession of property at any time before his death, his creditors could move the official assignee to divide it rateably among them. To this, as a matter of course, no legitimate objection can be raised. Let us now turn to the other and the bright side of the picture, and see how the law operates in the case of an insolvent who is 'deemed' a trader. His lot is, comparatively, speaking a happy one. There is no apparition of an official assignee looming in the near or distant future, to disturb his peace of mind or ruffle the serenity of his temper. He may apply to the Court for his final discharge after the preliminaries are gone through,

and he is clear of all liabilities. He might come into possession of untold, wealth the moment after he has been 'sworn and discharged,' and his creditors could not touch a farthing of it, such is the glorious uncertainty of the law, the pride of every free-born Briton. But the point is, could an ordinary insolvent be converted into a bankrupt trader. To be sure he could. The process is simple enough, neither very aggravating nor attended with serious risk to reputation or property. If he is 'well advised,' he puts off the evil day as long as he can, and when the crash is inevitable, he opens an 'office,' and, with the help of borrowed capital, ships to Europe or elsewere, consignment of goods for which there is hardly any demand—the result is these shipments drive him into the Insblvency Court and he comes under the category of 'trader.' But for the happy thought of speculating wildly with other people's money, as the last chance of retrieving his position, he would have been simply an insolvent, and left to the fate of such.

Referring to the voluminous correspondence appended to the Indian Bankruptcy Bill (published in the *Gazette of India*, of 22nd May 1886), I see there a communication addressed by the Bombay Chamber of Commerce, advocating the retention of imprisonment for debt. While, on the other hand, there are several lawyers of ripe experience and broad views who are anxious to see the barbarous practice abolished on grounds of expedience and simple justice. The Chamber says :—

A very marked difference between the law of insolvency here and in England exists in imprisonment for debt being still maintained in India. In the opinion of the Chamber it would be unadvisable as yet to deprive creditors in this country of that power. There are no doubt weighty arguments in favour of following English legislation. Amongst the poorer classes their personal liberty in reality constitutes the security on which they are able to obtain advances, and were the power of utilizing that security once removed, the ability of contracting debts beyond their means of repayment would be done away with also, and much unnecessary extravagance in the shape of expenditure on marriage and other festivities—which accounts for a considerable proportion of the insolvencies amongst the lower classes—would thus be avoided. In other words, by removing the power of getting into debt, people would be compelled to live within their means. While admitting this as regards the poorer classes, the general opinion amongst merchants and bankers is decidedly adverse to the abolition of liability to imprisonment for debt from a mercantile point of view. The change would be too radical, and by altering the basis on which business has been conducted in this country from time immemorial, might seriously interfere with the ordinary course of trade. As to whether or not the Bill, in its present form, fully contemplates the existence of imprisonment for debt is more a question for skilled lawyers than a body of laymen, and the Chamber therefore would content itself as regards this point by merely expressing the opinion that it cannot be too carefully considered.

This is simply begging the question at issue. If instead of merely advising Government on the subject, the Chamber

had been at the trouble of adducing a reason or two in support of its views, they would have been entitled to some consideration. On the contrary, it supplies a handle to those who hold an opposite opinion, by admitting that "there are no doubt weighty arguments in favour of following English legislation," and instances it in the case of the "poorer classes." Would the Chamber wish to see one law for the rich and another for the poor? But "the general opinion amongst merchants and bankers is decidedly adverse to the abolition of liability to imprisonment for debt from a mercantile point of view. The change would be too radical, and by altering the basis on which business has been conducted in this country from time immemorial, might seriously interfere with the ordinary course of trade." We are here asked to believe, that while society in all its phases has been constantly shifting, the conditions under which trade has been carried on, have stood still for the last hundred years or more. Does the Chamber mean to say, in sober earnestness, that the basis on which business has been conducted in this country has not undergone any radical change within the last quarter of a century, leave aside "time immemorial," which is at best a vague expression. In fact, the concluding portion of the paragraph quoted above, is sufficient to demolish the position taken up by the Chamber. So much for the wise men of Bombay. Let us now see what another authority in Bombay, whose opinion, from the very circumstances of the case, is entitled to respectful hearing, has to say on the subject: Mr. Hart, Chief Judge of the Bombay Small Cause Court, referring to the section of the Bill which specifies the acts that constitute bankruptcy remarks:—

These provisions put into the hands of creditors a very powerful weapon, capable of being used for purposes of intimidation, oppression and extortion. In England, a rich commercial country, such provisions may have been found necessary for the protection of creditors after the power of imprisoning their debtors in execution of their decrees had been taken from them. But in this country, where the system of imprisonment for debt still exists, and where the majority of the population are non-traders, but little removed above the degree of paupers, and of whom the greater number are insolvent in fact, if not in name, I think such provisions are not only unnecessary but unwise, as they are sure to be used by the foreign money-lenders, who constitute the bulk of the creditors, for purposes of extortion, with the result of further depauperising their already sufficiently impoverished victims, on whom they already have a sufficient hold in the facilities afforded by the law administered by our Civil Courts for attachment of person and goods both before and after judgment, attachment of wages, debts due, property in hands of third parties, &c. &c.

Further on, alluding to Part VIII of the Bill on "Fraudulent Creditors and Debtors," he observes—

I think these provisions, so far as they relate to debtors, are open to much the same objection as that pointed out in regard to section 3 (*f*) (*d*), (*e*), (*g*). They are taken from an English Act framed when imprisonment

for debt had been abolished, which it has not yet been in India, where the creditors consequently do not require so much protection as in England, and where they are more likely to use such provisions for purposes of intimidation, oppression and extortion.

In regard to the general scope of the proposed Act, as disclosed by the Statement of Objects and Reasons, the draftsman would appear to have formed the enactment mainly on the lines of the present bankruptcy law of England as last amended, by the Statute 46 and 47 Vic., cap. 52, because, as he says (paragraph 9 and 10), "it is eminently desirable that the circumstances under which a debtor may be declared insolvent, and under which he may obtain his discharge, should be, as far as possible, the same in London and Calcutta;" and while the new Act should be "adapted in details to Indian circumstances," it "should follow the English Act as closely as possible, except where there is some substantial reason for taking a different course." I for one do not see this "eminent desirability" in the case of two countries so differently circumstanced as India and England. No doubt it may be a convenience to English merchants in Calcutta and England, that they should all be subject to the same law; but in legislating for India generally, we have to consult something more than the convenience or wishes or wants of a handful of foreigners. From the mere fact that a certain enactment is found to work well in England (assuming that the English Act does work well there, as to which there would appear to be some difference of opinion among experts), it is not a safe, nor even probable, inference that it would, in any way, be suitable to a country so differently circumstanced as India. England is a rich, commercial, and manufacturing country; India is a poor agricultural one. The ordinary Englishman is substantial and independent; the ordinary Indian is an insolvent pauper, hopelessly indebted to his Marwari money lender. The money-lender's profits in England are, as a rule, spent in the country; in India they are, as a rule, sent abroad, thus acting as an incessant drain on the resources of the most impoverished classes. A large proportion of the English bankrupts are traders; in India a large proportion are non-traders. England has been for centuries in the van of European progress, profiting by the slow growth of a civilization born of native Western ideas, self acquired and assimilated into her very being; India has barely emerged from oriental semi-barbarism, and such civilization as she has is, for the most part, of foreign origin, which had already attained maturity abroad before its importation, and has as yet been only very partially adopted here. The lowest ranks of workers in English society form, compared with Indian, a small proportion of the population, and non workers among the poorer classes are an insignificant item; in India the lowest ranks of workers form a very large majority (about five-sevenths) of the entire community, while the non-workers form a considerable proportion of the poorest classes. In England the judgment-debtor has for years been relieved from the depressing and disabling effects of the system of imprisonment for debt, which in India is still a powerful engine of extortion in the hands of the money-lender; and freely used for the further depauperisation of the most impoverished class.

The poorest classes in England, as compared with those in India, are infinitely superior in material wealth, in resources of employment, in education and intellectual activity, and they are in a far smaller numerical proportion to the general community. When we find the two countries circumstanced so differently in regard to the bulk of their population, it seems to me that any law regulating the relations between debtor and creditor must of necessity differ, not in "details" only, but in "general principles;" at least, I submit, the onus of producing a "substantial reason" is rather on those who advocate assimilation, than on those who argue, from the difference of circumstances, the necessity for a difference in the law to be applied to them.

Mr. R. S. T. MacEwen, the popular second Judge of the local Court of Small Causes, and at present Officiating Recorder of Rangoon, offers some pertinent remarks in regard to section 103 of the Bankruptcy Act, and the "property" of the debtor. He says :—

In nine out of ten of these cases, the insolvents only come into Court for the purpose of obtaining a protection order. They are either in jail in execution of a Civil Court decree, or are threatened with arrest; they have little or no property—in many cases absolutely none. They are nearly all petty traders or impecunious clerks and other persons; the number of their creditors and the individual debts are small; there is seldom much, if any, opposition, and the whole business in these cases is of a simple and rudimentary character. To apply the provisions and machinery of this Bill, to any great extent, to these cases would, in my opinion, be a mistake. The cost, trouble, and delay would far exceed the benefit to be derived. The estates would not bear the cost, which would therefore fall upon the Government. I have very little doubt, although I have not the means of testing my opinion by returns, that in the presidency-towns the results will be found to be much the same as here. I think that if there was no imprisonment for debt, there would be very little insolvency business in India; at all events it would be confined to *bonâ fide* trading bankruptcies. It seems to me that, no matter how stringent a bankruptcy law may be made, it will be taken advantage of so long as imprisonment for debt continues, and the Courts will be resorted to by a class of debtors who ought not to be able to get rid of their debts by means of an Act of this kind. The true remedy is abolition of imprisonment for debt. It would curtail credit, and be immensely to the advantage of the public and the administration of justice. It would practically abolish small bankruptcies, save much legislation, the time of the Courts, and the expenditure of public money. I understand the question has lately been considered, and it has been decided to retain imprisonment for debt. I think, however, it is well worthy of further consideration in connection with the subject of insolvency and this Bill.

These are not the idle words of a visionary, but the matured judgment of one, whose knowledge of the subject has been submitted to the crucial test of experience.

It is needless multiplying instances in support of my position, and I may safely assert that the silence of the majority of those who have communicated their views to the Government on the Bankruptcy Bill, is to be attributed to the fact that the legislature had already made up its mind to retain imprisonment for debt among the provisions of the proposed enactment, and any comment upon it would, as a matter of course, be superfluous. But it was otherwise in the Council Chamber, where several members unburdened themselves boldly on the subject. The Hon'ble Mr. Ilbert in introducing the Bill remarked, in his usual forcible style, that he had his own opinion of the hateful practice which "is bad for the creditor, bad for the debtor, and bad for the country at large." He also confessed that "this opinion is shared by some of my colleagues, in particular by my friend Mr. Hope, who has on more than one occasion delivered his soul on the subject with

much effect, and it is strongly supported by some papers which have been sent to us from Burma with reference to the present Bill. Moreover, some interesting reports on the law of foreign countries which Sir Henry Maine was kind enough to have collected for me, and which was published in the *Gazette of India* last year, show that this is the view to which the legislatures of all civilized countries are tending, and at which most of them have arrived." Mr. Ilbert, however, is a respecter of 'authority,' and "when Indian authorities were consulted on this subject some four or five years ago, there was very great divergence about it, and a large number of persons, whose opinion, from their position, their experience, and their knowledge of the country, is entitled to the greatest weight, were strongly opposed to the abolition of imprisonment for debt." Although on Mr. Ilbert's own admission, opinion was greatly divided, it is evident the scale weighted with the views of one section of the public, presumably the minority, must have kicked the beam: "in fact, it appeared that Indian opinion generally, both official and non-official, was not yet ripe for any such change, and that, under existing circumstances, it would be useless for me or for any one else to propose any such alteration of the law affecting India generally. But so far as the present Bill is concerned, I yield to the opinion of the Bombay Chamber of Commerce, which I fear would be endorsed by the Chamber of Commerce elsewhere, that it would be unadvisable as yet to deprive creditors of the power of imprisoning for debt." Mr. Ilbert has a wonderful capacity of adapting himself to all circumstances, and if the hill will not go to Mahomet, Mahomet must go to the hill: "there is no doubt some little difficulty in adopting the provisions of the English measure to a country where imprisonment for debt still remains, but the difficulty is not insuperable, and I think it may be surmounted by means of a few adjustments and adaptations, in addition to those which appeared in last year's draft." There is nothing so handy to Indian legislators as the bed of Procrustes. In conclusion he adds: "personally I am disposed to agree with the opinion of the officiating Recorder of Rangoon (Mr. R. S. T. MacEwen) that if imprisonment for debt were abolished, there would be very little insolvency business in India, or that, at all events, it would be confined to *bonâ fide* trading bankruptcies. But until the time is ripe for a more heroic remedy, I can offer no better solution of the problem of providing an insolvency law for the centres of Indian commerce than that which is embodied in the measure which I hope shortly to lay before the Council." To the average mind the fact of simply doing one's duty does not involve an element of heroism. But if Mr. Ilbert is not heroic,

to his credit be it said he is not inconsistent; for when Sir Alfred Lyall asked for an exemption, as regards the Provinces under his rule, the Law Member readily complied with his request, for is not Sir Alfred an authority? and the draft of an enactment, styled the Debtors' Bill, is now before the Council, in which it is proposed to discontinue the horrible practice in the North-West and in Oudh.

Mr. Ilbert is persistently haunted by the nightmare of imaginary opposition, and in order to allay it, he takes every available opportunity of consoling those who are bent on persecuting an unfortunate debtor, that after all it is not so easy for the latter to avoid an acquaintance with the Civil jail. Adverting to Sec. 20 of the Bill, the Law Member says: "It might be objected that, inasmuch as an imprisoned debtor can obtain a receiving order on his own petition, this provision nullifies the law of imprisonment for debt. But if the Bill is carefully examined it will be found that this objection is not really valid. The state in which a debtor will find himself on being released from prison under a receiving order, will be very far removed from a state of liberty. He will remain at the beck and call of the Official Assignee, who is invested with inquisitorial powers over his person and property, and on whom he has to dance attendance whenever required." I confess, with shame and humiliation, that such expressions as 'beck and call,' 'inquisitorial powers,' and 'dance attendance,' when deliberately used in the Council Chamber in connection with the liberty of a fellow creature, are not calculated to command the respect of the public, enhance the prestige of the speaker, or add to the dignity of the august assembly. But there is balm in Gilead for the debtor. Mr. Ilbert is not wanting in the milk of human kindness, nor is his heart steeled against the piteous wail of the destitute. There is a tender corner in it to which the friendless may not appeal in vain: "the language of one of the sections is so modified as to allow a debtor to retain, as necessaries, not only his clothes, bedding and tools, but the cooking pot which is so indispensible to an Indian." Be grateful even for small mercies, ye dumb millions of India; Your 'cooking pot' (while there is, perhaps, nothing to put into it) is safe from the clutches of a grasping creditor. A moment's reflection would convince even the most casual observer, that the concession, to say the least of it, is a doubtful blessing. In the presidency towns the insolvent may retain his household goods to the value of Rs. 300.

The observations of a Scotch advocate on this subject are so appropriate, that I need not apologise to the reader for reproducing them here: he says, "this exceptional case of protection of property in the case of a particular class is

vicious in principle and illusory in operation : because while in the case of the big bankrupt it is a concession in his favour, to the poor debtor it is a simple mockery, a delusion and a snare, inasmuch as while the implements of his trade are kept intact, his person is not exempt from seizure, if his personal property does not suffice to realize the amount of his debt. This inconsistency is remarkable. Why should not the tools and implements share the fate of the household goods if it can save the man from the clutches of his creditor, when it is a pretty well recognized fact, that rather than starve during the man's incarceration in jail, his family will either pawn or sell them to stave off the wolf from the door even although it be for a few days only ? If he is not a working man in the strictest sense of the expression, as regards his stock-in-trade, which answers to the tools and implements of the other, the privilege of saving a portion of that which enables him to earn a living is denied to him. Again, why should the artisan, whose £10 is invested in tools, be privileged above his neighbour, say the greengrocer, whose capital is sunk in a stock-in-trade equally necessary to enable him to earn a living ? What is the use of protecting furniture against the general creditor, when through the operation of the law of distress, it remains at the mercy of the landlord." Does imprisonment release the debtor from further liability in respect of the particular claim, for the non-payment of which the punishment has been meted out to him ? No ; it does not. Section 341 of Act XIV of 1882 is quite explicit on the point ; his discharge from prison does not discharge him from his debt, but he cannot be arrested under the same decree. Then, I ask, what is the object gained by incarcerating him in a dungeon vile. The answer is ready to hand, and finds an echo in the opinion recorded by that eminent luminary of the law, Sir Charles Sargent, Chief Justice, and the four worthy Puisne Judges, of the Bombay High Court. It runs thus :—"I think it would be highly unadvisable to abolish imprisonment for debt. There is no reason to suppose it offends the public conscience, and undoubtedly in numerous cases, affords the only means to the judgment-creditor of obtaining satisfaction of his decree. It should be remembered that the position of a judgment-creditor in this country, is one of peculiar difficulty. The legal incidents of the undivided Hindu family, the minute distribution of property occasioned by the Mohamedan law of descent, and though last, not least, the practice of creating *benami* titles so common in this country, afford the debtor endless opportunities of baffling the efforts of his judgment-creditor to attach his property. In numerous instances the only hope of obtaining payment of a judgment-debt lies in the possibility

of putting pressure on the debtor and his relations by the arrest of the former." Could the reader conceive an idea so completely subversive of law and equity, and so thoroughly opposed to all principles of morality. By parity of reasoning, as torture has, at times, resulted in bringing home to the accused the offence with which he is charged, it follows, that under certain conditions, physical force might be resorted to, to supply the connecting links in the chain of direct or circumstantial evidence, for the purpose of procuring a conviction. The Hon'ble Sir T. Hope's comments on Sir Charles Sargent's crusade against debtors, are so appropriate, and so utterly demolishes the Chief Justice's stronghold of injustice, that I cannot help reproducing them in their entirety: "That is to say," observes the Hon'ble member representing the P. W. D., "the Chief Justice of Bombay considers that a certain mode of recovering private debts is justifiable, because it is revolting to the general feelings of those to whom it is even indirectly applied, and that a judgment-creditor may very properly recover his claims by subjecting his debtor to a process so distressing, that a man's relations, although entirely unconnected with his private affairs, will be forced to come forward and subscribe for his release. I do not think that I need dilate farther on the value of such arguments as that. I regret to see that this opinion was endorsed by four other Judges of the Bombay High Court, who disposed of the whole matter in less than half a page of print. Only one other Judge, Mr Justice West, with that caution which might be expected from his well known ability and experience, abstained from committing himself so far, and said that it would be desirable, before going farther, to institute a careful enquiry into the present working of the system." If we are to believe in the wisdom of our legislative assemblies, 'hope told a flattering tale that joy would soon return,' and if this counsel is accepted, the Government would "be relieved of the painful alternative of continuing, in the greater portion of British India, a system which is admittedly opposed to the other civilized nations of the world, and which the Law Member lately characterized as, bad for the debtor, bad for the creditor, and bad for the country altogether.'"

By Section 230 of Act XIV of 1882, the Court has a discretionary power to refuse execution at the same time against the property and person of the judgment-debtor. This is a Pharisaical legal fiction, but the meaning is obvious enough. There is nothing in the section to prevent the Court granting double execution if it is so inclined. Let us, however, suppose a case in which the presiding Judge admits the application for execution against the person only of a debtor. As the fact

of his imprisonment does not discharge him from his liabilities, the creditor could apply and obtain from the Court a certificate to the effect that the decree remains unsatisfied. This certificate might be forwarded to another district for execution against land or other immovable property in which the debtor has a life interest only, conjointly with his wife, and after their death it passes to the issue of the marriage. Now, while the judgment-debtor is locked up in jail, the property might be sold in execution of the decree without the knowledge of any of the parties claiming interest in it. It is true the wife and the children may question the validity of the sale, but that must be effected by the institution of a regular suit, which is, at best, a costly luxury; and while it is dragging its slow length along, they must have recourse to borrowed capital to supply the sinews of legal warfare, as well as to meet their daily wants. If our legislators only knew what villanies are carried on successfully in broad daylight under the protection of the law, they would think twice before entrusting the power of jeoparding the personal liberty of Her Majesty's liege subjects, in the hands of pettifoggers and perjurers. A good deal of the argument against imprisonment for debt would lose its force, if the rich and the poor were dealt with alike. It is said that the law is no respecter of persons. A greater fallacy does not exist under the sun. A man may not pass off an ounce of brass as gold without incurring the risk of a criminal prosecution; but the same man may tender spurious for sterling credit, and trade on the credulity of his victim with impunity; and if by a strange combination of unforeseen circumstances he finds himself in the civil jail, he is bound to be supported, according to his position in life, at the expense of the party whom he has wilfully and deliberately victimized. The aristocratic defaulter who nets widows and orphans, and for a pretence makes long prayer, deserves the greater condemnation. But is it so in fact? A Scotch advocate, whom I have quoted once before, offers some remarks so apposite to the point at issue, that I cannot help reproducing them here; he says:—"The big sinner, who in a wild chase after wealth has 'burst up' and ruined scores and hundreds of families, is provided by law, at the expense of his creditors, with every facility for 'whitewashing' himself, as it is called, and starting afresh. An elaborate machinery is provided by which he may avoid even the slander of bankruptcy, and go into liquidation. True, provision is made for the punishment, at the cost of the creditors, of a fair list of fraudulent practices, but even if a bungling knave, through lack of wit or study, deliberately walks into this net spread out in his sight, the law makes his punishment so costly to his creditors, that they

will think once, twice, and three times before endeavouring to bring it about. The poor wretch, on the other hand, at best barely able to keep his head above water, who in time of illness or lack of work runs up a bill with his baker or grocer to keep himself or his family from starvation, by English law practically remains the slave of his debt to the last day of his life. He must pay or bolt, or struggle on with a mill-stone of debt round his neck in an atomsphere of the country Court, executions and imprisonment, until death wipes out his score. If a man has the means of paying and conceals it, or refuses to give it up, there cannot be any objection to his being made to do so by any means which the law permits, but poor and rich should be dealt with alike."

> The law locks up the man or woman
> Who steals the goose from off the common,
> But lets the greater villain loose,
> Who steals the common from the goose.

There is a marked difference in the law as it obtains in England and that which exists in India. In England the debtor is occasionally sent to prison for refusing to do something that it is in his power to do; but in India it is for the non-performance of a contract. Here he must include in his 'schedule' every thing he stands possessed of, and if any opposing creditor can prove, by oral or documentary evidence, to the satisfaction of the Commissioner in Insolvency, that the debtor is guilty of concealment of property, his petition is dismissed and he is left at the mercy of his creditors, which is very rarely the case, or if the insolvent is properly represented by counsel, the latter moves the Court for an adjournment to 'amend the schedule,' in other words, to include certain assets, which his client attempted to save from the wreck of his fortune by hoodwinking the Judge. In connection with this subject, I would here take the liberty of commending to the earnest consideration of our legislators, the following words of the immortal Edmund Burke:—"The question with me is not whether you have a right to render your people miserable, but whether it is not your interest to make them happy. It is not what a lawyer tells me I may do, but what humanity, reason, and justice tell me I ought to do."

A. STEPHEN.

ART. VII.—BI-METALLISM AND ITS DIFFICULTIES.

SOME subjects, by their nature, lend themselves to the purpose of abstract argument. Problems connected with the establishment of an international currency pre-eminently belong to this class. The vastness of the interests at stake, and the difficulty of defining the issues involved lend the necessary attraction to the student, while the impossibility of putting to the test of practical experience any of the solutions offered, ensures the discussion of the problem being confined to the regions of philosophic speculation. At any rate, no solution is likely to be actually tested until its efficiency has been so clearly demonstrated, that the whole civilized world is convinced of the wisdom of applying the remedy prescribed by it.

Bi-metallists nevertheless appear to be very sanguine of the early and universal acceptance of their doctrines. There are, however, many difficulties—to many minds, insurmountable difficulties—in the way of the practical application of these doctrines, even should they be universally accepted as theoretically sound, to which it may be useful to call attention as they do not seem to be very generally realised. Presuming, then, the incontrovertibility of the position held by bi-metallists, practical difficulties centre chiefly in the improbability of arriving at unanimity among the powers concerned, and only in a lesser degree on the impossibility of providing a guarantee for the maintenance of such unanimity when arrived at.

Any important combination of silver-holding, or using States, by fixing a ratio, can prevent a fall in the value of gold—as was done by France from 1850 to 1870—but it cannot prevent a rise in the value of that metal, and *vice versâ* for silver. Any similar combination of gold-using States could in the same way prevent a fall in silver, but not a rise in that metal and *vice versâ* for gold. If, therefore, unanimity is not obtainable, then any combination for the purpose of preventing a fall in the value of either metal measured in terms of the other to be effective must consist of gold as well as silver-using States, and this combination must comprise States of sufficient commercial importance to attain the desired end.

In such a combination, England is an absolutely necessary factor, and the United States will soon become equally so. The Latin Union without England prevented a fall in gold ; it could not prevent the rise in that metal.

Supposing, then, a sufficiently influential combination of States had been convinced of the thorough soundness of the arguments advanced by bi-metallists, the great difficulty which lies in the practical application of their principles would then present itself. The crux of the question lies in the fixing the ratio to be adopted between gold and silver. Taking the resultant of groups of forces acting at various points, we find that, looked at as a whole, Government and people together, the interests of Great Britain would require the present actual ratio to be the one to be adopted; seeing that it is estimated that the rest of the world is indebted to her to the extent of between £1,000,000,000, and £3,000,000,000, payable in gold. Taking the lowest of the estimates that have been put forward, a fall of 25 per cent. in this amount would practically deprive her of 250 millions sterling or a sum sufficient to pay off one-third of her national debt, and this would be the net loss that would result from reverting to the old ratio of 15½ to 1.

The Latin Union, on the other hand, is estimated to hold a mass of silver tokens to the extent of 300 millions, appreciated by the closing of its mints to a value of 25 per cent. above its worth as bullion, and an acceptance of the existing ratio of 19 to 1 would therefore cause the Union a loss of 75 millions sterling.

As the interests of Great Britain are thus at least three times as great as those of the Latin Union (neglecting the latter's foreign gold liabilities which are unknown), it would seem more just to expect the Latin Union to adopt the existing ratio of gold and silver, especially as it will thereby avoid prospective loss, if by so doing it prevents a further fall in silver by which it must lose ultimately, rather than that England should accept a reversion to the old ratio in order to stop the rise in gold, by which England is *prima facie* a gainer.

If, however, the present actual ratio were accepted, India, and especially Anglo-India, would protest. It would argue justly enough that the adoption of any fixed ratio would at once rehabilitate silver, and cause a fresh demand for it. This would cause silver to have a tendency to rise, but the permanent adoption of the present ratio would keep it down for ever, robbing India of the results it had naturally a right to anticipate from silver being rehabilitated.

II.

The only *quid pro quo* that the bi-metallists claim to be able to offer Great Britain, as a set-off to the dead loss on its gold capital, the unearned increment of the last 15 years, that would result from a return to the higher ratio of 15½ to 1

(or 16 to 1, which is the ratio that actually obtained before the gold discoveries), is a resuscitation of trade.

Let us examine the arguments on which this pretension is based. They are, shortly, that the trade of Great Britain has relatively decreased from the fall in prices; this fall in prices would not have taken place, had bi-metallism held sway; a return to bi-metallism would lead to a rise in prices and *ergo* prosperity to British commerce. Now, the relative decrease in British trade is much exaggerated, owing to the neglect of exchange values often made in calculating this decrease. Thus, say for every million sterling of trade in 1875, England enjoyed a million sterling in 1885. While for every crore of trade India enjoyed in 1875, it enjoys a crore and a half now Then it is not true to say, that English trade has remained stationary while Indian trade has increased by 50 per cent. which is commonly done. If the trade of both countries be estimated in Rupee value, then it will be seen that English trade has increased by 25 per cent. Though thus exaggerated, it is probable that the relative advantage undoubtedly held by India can partly be attributed to the rise in the value of gold, for, in spite of assertions to the contrary, it is quite possible and even probable that a fall in silver may have given a temporary artificial stimulus to the trade of silver-using countries, owing to its causing through the delay that takes place in the adjustment of wages, rent and taxes, an increase in the cost of production in competing gold-using countries, thereby decreasing the margin of profit in the latter, and so yielding an advantage to the rival silver countries. It is entirely on this principle that the evil effect of falling prices, and the stimulating effects of rising prices on commerce have been recognized. As trade is very conservative in its channels, it should be remembered that a temporary advantage thus obtained is likely to be in part permanently enjoyed. Again the fall in gold prices is not wholly attributable to the boycotting of silver, for, as the total value of gold in circulation is probably as great, if not much greater, than the total value of silver (measured in terms of gold) in circulation, and as prices measured in silver have not risen, while prices measured in gold have fallen some 30 per cent., it is probable that, had bi-metallism been adopted 15 years ago, merchants would still have to deplore a fall in prices of from 15 to 20 per cent., so that only a portion of the injury done to trade by the fall in prices can be attributed to the abandonment of silver. In the same way it is obvious that the establishment of bi-metallism would only partly restore prices, and would certainly lead to a fall in silver prices simultaneously with the rise in gold prices, so that the value of the compensation offered by the bi-metallists to

English commerce, is obviously of somewhat less value than they are apt to assume.

It still remains for bi-metallists, however, to prove that even if the rise in gold prices did resuscitate commerce, it would reinstate English trade in its relative position; it has yet to be proved, that is, that the relative falling off of English trade as compared with that of other countries—which is attributed by bi-metallists to the fall in prices—would not, being due to other causes, have taken place in any case, and that it would be remedied by a rehabilitation of silver. There are so many causes to which this relative loss of trade (or, more properly speaking, comparatively slack progress in trade) can be put down that bi-metallists cannot expect this explanation of it to be accepted without a complete substantiation. Supposing, however, that the British Government were in the end persuaded of the wisdom of its joining a bi-metallic union and a compromise on the question of the ratio to be adopted had been arrived at, it would be necessary for the rest of the combining powers to offer a guarantee to the gold-holding countries, who would be sacrificing so much present good for prospective advantages, that they would not be robbed of these advantages by secessions at a later period. That such a guarantee is not unnecessary can best be made clear by an example.

From 1850 to 1870, France holding large quantities of silver prevented a fall in gold by keeping open its mints at a ratio of 15½ to 1.

Had the tendency of gold to fall continued, France would have been able to stay the fall until it had been drained of its silver, but only till then—as it was, before its silver was exhausted—gold began to rise, and as France had by this time exchanged most of its silver for gold, it was in a position to stay the relative fall in silver, and for a short time did do so. But finding itself being rapidly drained of its gold, it closed its mints thus accelerating the fall in silver, but stopping the drain of gold. In the same way if Europe were bi-metallic, while America had a gold mono-metallic currency; then, should gold have a tendency to rise, Europe would be drained of its gold by America, and its currencies would become to all practical purposes mono-metallic silver, while if gold had a tendency to fall, Europe would prevent this fall and protect America against loss.

Should the coming struggle between the Western States of the American Union, aided by the agricultural States of the Southern and Central districts favouring free trade, and the protectionists States of the East and manufacturing States of the Central districts culminate in civil war, though, happily, this is not likely, it is certain that the struggle would be long

and severe. History would probably repeat itself, and a paper inconvertible currency would again be established. When peace was restored this currency would be redeemed, probably by coin of the cheaper metal; should this be gold, the States would drain Europe of its gold, silver would begin to fall, and America might continue to purchase gold even after it had caused the cheaper to become the dearer metal. Now, America is, or soon will be, rich enough to absorb the greater portion of the gold currency of the world, as England did formerly. Should this happen, Europe would be in the same position relatively to America that India is at present with respect to Europe. Gold would rise and bi-metallic Europe would become silver-holding and powerless, to stop the fall of silver or rise in gold. For, to repeat, it is evident that bi-metallism can only enable a silver-holding country, by creating a demand for gold, to prevent a fall in the value of that metal, or a rise in the value of the other. It cannot thereby enable a silver-holding country to cause a rise in silver or fall in gold. If gold-using America, then, persisted in purchasing the gold of other nations for its own currency purposes, in spite of its rise in value, it would soon drain Europe of most of its gold, and Europe would find itself quite helpless to stop the drain except by closing its mints, or, in other words, by breaking the bi-metallic union. It is not sufficient to show that this defection on the part of America would probably not occur, or even that it is against American interests for it to occur. In obscure questions of this kind, nations often adopt a suicidal policy. It can only be to the purpose to show that there exists some effective guarantee, that nothing of the kind can happen, or anything of the kind can be absolutely prevented from happening.

III.

Under these circumstances it is worth while bi-metallists considering whether the most practicable course would not be to persuade the Latin Union to stop the present rapid fall in silver (measured in terms of gold) by re-opening their mints. It would then be possible to get breathing time, during which to establish at the ratio then existing a bi-metallic union for a fixed and limited period. To enable us to realise the effect of adopting this last course, let us suppose the period fixed to commence next 1st January to last twelve months, and the ratio to be 19 to 1. Towards the end of this period if silver began to fall, there would be a demand for it to pay off debts before the end of the year, which demand would tend to steady its price which would then be fixed for another twelve months at this former price and similarly with gold.

If in spite of this steadying influence silver continued to fall or began to rise, the ratio would have to be altered. It is probable, however, that as silver would no longer be *taboo*, and would be in demand as a substitute for gold for currency purposes, its value would tend to rise though slowly—very slowly—on account of the checking influence of bi-metallism ; after many years gold and silver would relatively attain what might be called a natural ratio, at which they would be fairly stable and at which it might be possible by international agreement to fix them for a greatly lengthened period. Though, of course, this ratio might at any time be upset by defections from the League or by enormous finds of or diminished outputs of either gold or silver.

This last sentence contains what bi-metallists call a heresy ; but they base their argument on the supposition that the amount of gold and silver absorbed by the arts is small compared to the enormous amount circulating as currency. This is a supposition *prima facie* incorrect, and they have never produced figures to substantiate it. On the other hand, as we know that of the annual output of gold, India and China absorb 5 millions ; the United States 3½ millions, and Switzerland 1½ million, or 10 millions annually out of an output of 19 millions ; it is possible that the existing amount of gold circulating as currency is actually growing less, being diminished by wear and tear, if not by the demands for art purposes throughout the world.

The purely temporary character of the Bi-metallic Union here proposed would prevent its holding out any temptation to the cupidity of national greed or private speculation, and its very ephemeralness would probably lend it permanency, while international unanimity, though desirable, would not be essential.

With respect to the influence of the fall in gold prices on India, it ought to be frankly acknowledged, that low prices are not of themselves an evil, but falling prices only, that to lower the price of gold is not an object worth striving for, and that were the present ratio of silver to gold to be permanently fixed, the world would be none the worse. If it were certain that crystallizing the present ratio would stop the fall in prices, it would be the duty of every statesman to strive to effect this. Unfortunately it is only too certain that the result would merely be to slacken the speed at which prices are falling.

If, however, the present ratio were so crystallized, it would be possible to take stock of the Indian nation's losses. From a national point of view, treating the Government and people as a whole, this will not be difficult if we assume that the decreased value of stored silver, whether in the shape of ornaments or hidden coin and bullion is balanced by the increased value of the

hoarded gold. The national gold debt, plus the capitalized value of gold liabilities, including railway investments, pensions and remittance charges, &c, amounts to about 480 millions, owed to foreign bond-holders, and if this, during the last 15 years owing to the appreciation of gold, has increased 25 per cent., then the resulting loss to the country is 120 millions. This is a grievous calamity to have overtaken a poor country, but it is not one sufficiently great to justify prophecies of national bankruptcy, or to prevent an Empire with the financial resources of India facing it calmly and confidently, with the firm conviction that it has been injured but not crushed, and that the burden that has been put upon it is not greater than it can bear. It behoves the Government to see how the burden should be borne, relieving those on whom it unduly bears, and allotting to those who have hitherto escaped their fair portion of the resulting pressure.

Agriculture has benefited more than anything else by the railways and canals to construct which the larger part of the gold debt thus suddenly enhanced has been incurred, and it has already been pointed out above that Indian trade. that is, Indian agriculture, has profited by the present monetary difficulties.

A large portion of the Indian revenue is collected in the shape of returns from commercial speculations, carried on by the Government itself. It is possible that under these heads the fall in value, if any, of the coin collected is more than made up by the increased traffic due to the thus virtually reduced charges, so that, salt, opium, railways, telegraph and post-office receipts probably do not diminish as silver falls. Again the Home charges would probably have been increased to meet other difficulties, such as that of recruiting, or raised prices of goods purchased, had not gold been enhanced and prices fallen ; so that the increased expenditure under this head, put down to loss by exchange, is largely compensated for by natural increases avoided by the same causes as have led to this so-called loss.

Setting aside stamps and excise as requiring special treatment, and other taxes as insignificant in returns, there remains only agriculture, from which an enhanceable revenue is received. Stress of state would appear to justify all future assessments being made in gold, payable in silver at an exchange rate to be fixed annually, and the conversion of existing settlements into terms of gold at the ruling rate of exchange, similarly payable, if not even a return to the proportion of produce of which past settlements were an equivalent at the time they were made. However this may be, there would seem to be no greater breach of faith in dealing thus directly with the agriculturist, than in effecting the same by international agreement,

the result to the agriculturist would not be different. The chief reasons for thinking that the bi-metallists have no easy task before them have been enumerated above, and it would seem from them probable that they will obtain no decisive victory in the immediate future. Does it not then behove Indian financiers to place their estimates beyond the sport of the elements of the money market? To-day a surplus, to-morrow none; the next day a deficit and a scornful world howling "Bankruptcy" is the history that repeats itself year after year. As its expenditure is necessarily fixed in terms of gold, would it not be wiser for the Indian Government to put an end to this state of affairs by raising its revenue in the same medium payable in silver at an annually fixed rate of exchange and giving equilibrium to its budget, for the present, by fresh taxation.

The Indian Silver Association does not urge any immediately practicable course, but calls on the Government to bring pressure to bear on the Home Government, to induce it to join a Bi-metallic League. But does it consider it compatible with the dignity and safety of the State that, from respect for the traditions of a past and discredited policy, our financiers should hold back from the task of at once finding resources to meet the wants of the Exchequer and of putting the national finances on a rational basis, while they make futile efforts to persuade the paramount power in its own and their interests to adopt a course the wisdom of which has not been fully established.

The alternatives to the policy above advocated are two, the closing of the mints or the conversion of the gold debt into a silver one.

The adoption of the latter course would bring into vivid prominence the virtual increase of the national debt that has taken place during the last fifteen years, but it would put our finances on a rational basis and, with the exception of the Home charges for administration and military expenditure which, however, might lend themselves also to the same treatment, the receipts and expenditure of Government would both be kept in terms of silver, if the prices of goods purchased were shown, as they should be, in terms of silver. This alternative also would demand the imposition of additional taxation, and reasons have been given already for thinking that such taxation should fall upon agriculture.

The other alternative of closing the mints would effect the same objects, in course of time, at a certain cost to commerce. It would restore silver coin to a ratio towards gold that could be rendered stable, so that it would be for all purposes of account gold coin. The receipts and expenditure of Government would then practically be kept in terms of gold on both sides of

the accounts and the additional taxation virtually involved would fall as it has been shown it should fall, on the agriculturist. The objections to this latter course are so numerous, especially in this country, owing to the general indebtedness of the cultivator, that practically Government, pending the introduction of bi-metallism, has only a choice between the adoption of a gold standard payable in silver at a variable ratio and the conversion of its gold liabilities at any cost into silver ones with a future policy of purchasing and spending in terms of silver only. The policy of conversion, though it would be difficult and its first cost enormous, has this great advantage over the other, that it would prevent any further loss due to future appreciation of gold, should bi-metallism never be adopted.

SIMLA:
2nd September 1886.

F. B. HEBBERT.

ART. VIII.—SIMLA, CALCUTTA AND DARJEELING AS CENTRES OF GOVERNMENT.

EXACTLY one-third of a century has passed since the important question of the proper seat of Central Government in India was first fully discussed. In 1853 it was made the subject of enquiry before Select Committees of both Houses of Parliament, and it would be fortunate if it were again submitted to the deliberate decision of the same high authorities instead of being obscured and degraded by ill-informed agitation, as threatens to be the case at the present time. The topic is a more momentous one than the habitual agitator is likely to appreciate. The real question at issue when considered apart from local jealousies and local ambitions, may be stated as follows: What are the conditions in respect of residence, whereby the Supreme Government in the person of a Viceroy, commissioned by the Queen-Empress and her ministers to supervise the concerns of her vast Eastern Empire, can best and most effectively discharge the greatest executive trust that can be committed to an English statesman?

If argued on strictly *a priori* grounds this question admits of only one solution. Consistently with such periodical visits to the most important provinces, as may be considered necessary the Supreme Government should be permanently established in that portion of the empire, which from its proximity to the regions of greatest political activity, its military importance and the character of its population requires direct, constant and immediate care. To state these necessities is to answer the point in debate. Madras, the Central Provinces and Assam have never found advocacy to urge their claims. Lower Bengal is important no doubt in point of wealth, abounding population and such civilization as we have succeeded in importing from the West, but since the day of Plassey it has ceased to give a really anxious thought to its rulers. Bombay has a higher fitness in the fact of her accessibility to Europe and her perfect railway communications with every part and region of India, but she is neither central nor do her local politics require any special attention. The North-Western Provinces undoubtedly present all the necessary conditions, and if the dynasty of Runjit Singh were still enthroned at Lahore, the Viceroy could find no more fitting seat of power than the holy city of Allahabad. Great as are the political interests that signalize the splendid province, that spreads from Benares to Delhi, our advancing conquests have given us a still more important domain, peopled by the

most warlike race in Asia, hemmed in by turbulent tribes and powerful feudatories, and whose military exigencies demand the presence within its borders of nearly two-thirds of our European troops. On the broad plains of the Punjab British India must fight for her existence, if it ever comes to be threatened. From its North-Western frontier we keep a ceaseless look-out on the great Slavonic Power that seeks to oust us from the richest heritage in Asia. In the Punjab and nowhere else should the Supreme Government of India have its fixed and permanent home. The fact is so apparent, that it is difficult to listen with anything but angry astonishment to the selfishness and folly of those sciolists, who would sacrifice the well-being, the very life perhaps of the Empire to the peddling interests of a merely commercial town.

Still another point has to be considered. What is the place within the Punjab, which in the highest degree fulfils the conditions we have already stated? If the province itself were to be alone considered Lahore from its central situation would be the natural site, and consequently the local administration most properly has fixed its head-quarters there. But the Supreme Government, whilst it must remain within the closest touch of Punjab politics and information, cannot withdraw itself into the recesses of the province. It must keep as near Eastern Hindustan as possible, and be also in close communication with Midland India, Rajputana and their great semi-independent princedoms. It should also seek a position as central as possible in regard to the principal permanent camps of our army of occupation. A site should be found somewhere midway between the two great railway foci of Dehli and Lahore. From Dehli radiate the iron roads to Calcutta, Bombay and Southern India, whilst Lahore is similarly connected with Scinde and the very gates of Káshmir, Kándáhár and Kábul.

There is a first class military and civil station which fulfils all these requirements. We have in Umballa the most fitting site for the Supreme Government, as any of our readers can satisfy themselves of by a minute's study of a map of India. It holds the desired position between Dehli and Lahore. It is as nearly as can be the centre of the great military establishments, midway between Mirat and Jalandar, between Agra and Ráwal Pindi, and midway between the Oude garrisons at Cawnpore, Lucknow and Bareli and the frontier garrisons at Peshawar and Multán, whilst to the north of it are clustered the hill camps of Dugshai, Subathu, Solon and Jutogh. Umballa is at nearly equal distance from the dominions of Káshmir and those of Scindia and Holkar. It also lies almost on the eastern frontier of the Punjab and as close to Bengal, Upper and Lower, as is practicable consistently with its

remaining within the Sikh province. What site in wide India can venture to rival such a position, and yet Umballa is practically Simla, separated from it by only sixty miles of road, but by thirty degrees of heat? The great Pro-consuls of the last thirty years, who have consolidated our empire, were wise and provident in many things, and certainly showed no falling off in these high qualities when they fixed on Simla as the centre of their rule.

The popular grievance, known as the "Hills Exodus," therefore, narrows itself down to a very small issue as far as the Supreme Government is concerned. Are the Viceroy, the Commander-in-Chief and the members of the Supreme Council to do their work in a healthy, vivifying climate or in a torrid town, such as all Punjab towns are, ravaged at times by cholera, dysentery and the most virulent fevers, the two conditions being found a stone's throw apart. From one point of view it is a question of cost, of the expenditure of from four to five lakhs of rupees, or roughly £35,000 per annum. We exclude the railway charges, which the agitators usually include, from Calcutta to Umballa, as they clearly form a part of the general touring expenses and have nothing to do with Simla. The most crazy anti-Simlaite, outside Calcutta, will not deny that the Viceroy should visit the Punjab every year. We also hope that the Supreme Government, when it is in name as well as in reality located at Simla, will always find time to pay an annual visit to Bengal. The sum we name is in some sense a large one. You, kind reader, or we, would sincerely appreciate its annual receipt, but in a really Governmental sense it is a pittance, against even which there are a half-dozen distinctly pecuniary set-offs. We will mention some. It is notorious that the Viceroy never takes furlough, that the members of Council also very very rarely leave India during their five years term of office. Most secretaries and heads of departments' are equally constant to their posts. It is at the same time a well established fact, that the vast majority of senior Government servants in the plains are compelled to seek health and rest in Europe every three years. The furlough rules recognize the necessity, and scores of officers have to abbreviate their regular turn of Indian residence by leave on medical certificate. It makes a big hole in £5,000 in travelling charges to change Viceroys, whilst every member of Council, every Secretary, and every head of a department, who is enabled to prolong his period of Indian residence by one year saves £1,000, the amount of his furlough allowance. This is, we know, a mean way of regarding the question, but there are skinflints amongst our adversaries, who can only be reached by such arguments. We would ask, however, the great majority of Englishmen,

whose souls are not entirely given to the most vulgar aspects of politics, whether £35,000 a year is an excessive price to pay for the health, perhaps the lives, of a score of its best and oldest servants, together with the almost priceless advantages of preventing the ceaseless change of officers, which is the most crying evil in every province and every district in the plains. The agitating merchants and lawyers of Calcutta and their more ignorant allies in England, do not know that there are few amongst the couple of hundred districts in India, which are continuously administered for even two short years by the same officer. It is change, change, change; furlough, furlough, furlough; sickness, sickness, sickness, wherever we turn. How many months were the present Viceroy and his predecessor in India before they were stricken down by Indian disease? "But," cry the anti-Simlaites, "we are delighted to see Lord Dufferin in the climatic safety of a hill sanitarium. It is all those members of council and secretaries and heads of departments picnicing in the hills that we object to. They are acclimatised Anglo-Indians and should stay in the plains." This absurd objection places the Viceroy in the position of a kind of Grand Llama, who may be kept rolled in cotton wool on some balmy mountain top, except on great occasions when he is wanted for show in the plains, or it must be assumed, that he can single-handed regulate the whole administration of a vast empire, unaided and unadvised. We take a very different view. We share to the full the respect the genial and brilliant Irishman, who now governs India, has won by his high talents, but we refuse, as he would, to prize his life so highly and hold those of his councillors so cheap. If the Viceroy requires the protection of a hill sanitarium, so do the men, who after a score or more years' service in the plains are still retained in India, as his best and most experienced advisers, long after their terms of service should properly end. "We never meant to keep his councillors from the Viceroy," reply the anti-Simlaites, "but why should the secretaries not stay in the plains." Simply because a secretary is a secretary, and should, at least in office hours, be within call if not actually under the same roof as his Chief. He has no original authority, or rather he should have none. If you separate him from his Chief, he has an unpleasant habit of usurping a portion of the latter's power, and we must confess to a very strong objection to seeing any of the important questions referred for decision by the various local administrations to the Supreme Government, decided by officials who, perhaps a few months before, were subordinates of these very administrations. A secretary, as a man of great ability and very considerable experience, has undoubted influence in advising the Viceroy and in the

manner he lays questions before him, but it is the Viceroy alone who should decide them. These appear so entirely the first principles of Government, that it seems a waste of print and paper even to state them in their simplest form. Whom, then, are we to sacrifice to the wrath of the anti-exodus fanatics? The Director-General of the Postal Department or the Chief of the Telegraph Department, or the Head of some of the other half-dozen departments, who accompany the Viceroy to Simla, might be a grateful offering to their unreason, but are the sensible people of the kingdom going to run the risk of dislocating these great services for the sake of saving some small fraction of the pittance the total transfer of offices costs? The heads of these departments are elderly men, most of them already stricken more or less by the Indian climate. They are highly capable, and is it good economy to force them to take furlough every two or three years, and have their important departments subjected to all the disadvantages of such frequent changes of supervision and very often serious changes of policy? None of them are inspecting officers, at least not more than an English Secretary of State is. Their work lies in their bureaus in considering and deciding the larger questions that arise in their respective branches of administration. There are dozens and scores of inspecting officers in every department. In the Postal Department for Bengal alone there are twenty-five Inspectors of Post-offices, who are themselves supervised by some fifteen Superintendents under a Post-Master General. Heads of departments are all Imperial and not Provincial authorities, and what possible advantage can there be in keeping them in Umballa? "But," again urge the anti-Simlaites, "they ought to be in Calcutta." Ah! good friends, is that what you are driving at? And why at Calcutta? Why not at Bombay? There, if anywhere in the plains away from the Supreme Government, should the head-quarters of the Postal and Telegraph departments be located. But there is a Post-Master General and a Director of Telegraphs in Bombay as there is in Calcutta. Are not these high officials sufficient for the wants of these two towns? Again, would any reasonable man wish to see the Supreme Government left without advisers in two such important branches of the public service; and it is the same with other departments. However, as Calcutta insists on raising this claim, it may be advantageous that we should examine it in some detail.

Mr. John Bright gave expression many years ago to an imperial policy for India the exact reverse of that, which his advocacy has recently done so much to maintain in the United Kingdom. His proposal was to abolish the Viceroyalty and

administer the various provinces of this Empire by means of the existing provincial authorities under the direct guidance of the Home Government. Although such a policy is, we believe, as far from accomplishment as the disruption of the United Kingdom, it was, when propounded, very much more statesmanlike than the political crudities that have lately been pressed upon our notice. Mr. Bright perceived that a truly imperial supervision of a dozen vast provinces was a task nearly approaching the impossible for the Supreme Government as then constituted. At that time the Viceroy had a double capacity. He was Governor of Bengal as well as Governor-General of India, and Mr. Bright, with the strong and provident sense that even more than eloquence has made him a leader of men, grasped the fact that the former character was rapidly absorbing the latter, and that imperial interests could not fail to be neglected in favour of those of Bengal. He thought it better to have no Supreme Government at all than to place a local administration with its merely local knowledge as chief and supervisor over all the others. Another solution happily was found and the danger escaped by the establishment of three Lieutenant-Governorships in the Punjab and the Valley of the Ganges. The Supreme Government ceased to be a direct administrator and its connection with Bengal, as with the Punjab or Madras, became one of supervision alone. From that time forward, Calcutta had no more claim on the Viceroy than Bombay or Allahabad, and submitted its wants not to him but to a Lieutenant-Governor. When, therefore, its would-be men of light and leading seek to chain down the Supreme Government to Calcutta, which, though a commercial emporium of great importance, has as much right to be the capital of India as Marseilles has to a similar position in France, they are hopelessly attempting to reverse the whole system of Indian administration since the Mutiny. The temporary political importance of Calcutta down to that time was due to her situation on the sea-board, the absence of railways, and the quasi-mercantile origin of her early government. Once, however, our authority was finally confirmed, our communications completed between the sea and the north-western frontier, and our policy made really imperial, it would be pure pusillanimity for the Government to desert its proper seat of duty in the Punjab in order to keep within convenient distance of our naval power.

Calcutta owed its position to absolutely nothing in natural fitness. The banks of the Hughli at Fort William are naturally fitted for nothing but rice-fields and the genesis of malaria. None of the half-dozen races, who have ruled Hindustan, ever condemned any of its officials to the pestilent neighbourhood

of the Salt Lakes. The highest sanitary and municipal science has expended its best efforts on Calcutta for quarter of a century, and yet, according to the evidence of the very gentlemen who are now foremost in urging its claims to be the sole centre of Imperial Government, it is a hotbed of cholera, environed by suburbs where the worst Asiatic diseases assume their most deadly forms. We believe that in this description the Health Society, like the Defence Association and now the Anti-Exodus Society—all these titles are to a great extent a series of aliases—indulged in the habitual exaggeration of Calcutta agitation, but still the fact remains that nature has not made the 'city of palaces' a desirable residence.

A town so very unfavorably circumstanced should be able to show some singularly strong points of superiority in other respects in order to justify the pretension Calcutta is now making, but we do not know that any such capabilities are even alleged to exist. Her importance as a fortress is nil, though her maritime advantages deserve a limited attention. But that there is a slightly larger number of merchants, lawyers and educated natives resident in Calcutta than in the other large towns of the empire, its population is in no way remarkable, except for the extreme simplicity of governing it. Omitting the unsatisfactory condition of its sanitary arrangements, its affairs would engage less of its rulers' attention than those of any equal urban area in India. The small military force maintained in Calcutta is chiefly ornamental and might be replaced by a corporal's guard as far as the chances of a breach of the public peace is concerned. Calcutta is in fact preeminently an orderly city. There is, however, a short period in nearly every year when it grows tired of this well-conditioned character, and breaks out in the riotous joy of a public meeting at the Town Hall, whereat some if its worthiest citizens seek to enliven the tedium of the weary year by pouring forth on those, who are put in authority over them, a torrent of censure and indignation. To the old Indian these meetings are but the bubbles that rise from stagnant water. Unpleasant for an instant they rapidly burst and are dissipated. The last of these assemblies is, we are glad to say, almost entirely wanting in the disagreeable element, though it has little other claim to our respect, except, indeed, in the estimable character of its personnel. We cannot help thinking it was really convened by the efforts of some kindly philanthropist, who wished to bring about a truce between the lately warring armies of the Defence and Indian Associations. Public meetings are always replete in compliments, but it was an unexpected delight to hear the new "Uncrowned King" of the Anti-Ilbertite Invincibles

and Babu Surendranáth Banerjea sighing gentle phrases across the hall to one another. Sir William Harcourt and Mr. Timothy Healy on the same platform were not a sweeter picture. Mutual admiration apart, however, the speeches were the weakest in point of fact and argument even Calcutta agitation could produce. The proposition the meeting set itself to discuss bore as much proportion to the real question at issue as the area of Calcutta does to mighty India from Comorin to the Himalayas. None of the speakers could get beyond the small idea that the Supreme Government existed for them alone, to which was added the modest axiom, that Calcutta being good enough for our leading merchant, our leading lawyer, and our leading municipal commissioner, it is good enough for such people as Viceroys, Commanders-in-Chief and Members of Council. Still as this meeting has received through the adventitious aid of the *Times'* correspondent, a certain degree of attention in England, it, in a sense, requires a short notice here.

The speech of the Chairman was for the most part a piece of very goodnatured badinage. The "migration of the Government departments" was the object of his banter, which at times became truly amusing. He fell very heavily on the expense of the exodus and, in fine, waxing eloquent, told his audience—"You may put it down at your own figure anywhere from five to fifty lakhs, and the Accountant General himself will not be able to contradict you"—which is certainly quite a witty, if not logical, way of proving your enemy's extravagance. We will leave the commercial member of the Finance Committee to correct Mr. Yule, only noting the fact that a subsequent orator took this advice to heart, his estimates revelling in crores of rupees. Mr. Yule also started the "want of touch" argument, though only in a jokative fashion. The Government of India was a "glorious company of run-a-ways, "who fly from the post of duty," &c. Underlying all this and very much of the following speechifying there is the one, and only one idea, that the post of duty is Calcutta, that to leave "our metropolis" is to run away from all that is worth knowing in the eastern hemisphere, and to cease from perennial hobnobbing with its merchants and barristers is to lose touch with "the people." What, Mr. Yule asks, would happen if all the important gentlemen who attended the meeting were annually to take themselves to the hills and abandon their various vocations. "Keep thy shop or thy shop won't keep you" was the adage he quoted and inculcated. To argue against the unreason of applying this mercantile proverb to a governing body is almost to rival its absurdity. The meeting Mr. Yule addressed was, it is true, a meeting of shopkeepers,

whom such an argument was likely to influence in a large degree. We do not use the expression in any slighting sense. The greatest banker is a banker only in name without his shop or office. The same applies to the most learned lawyer. If he appears any where but in the court, in which he is entitled to plead, he must perforce be dumb. They are both creatures of locality. They exist for their shops, and if they don't stick by their shops, their shops won't keep them. Quite true: but are the Viceroy, his councillors and secretaries less really what they are in Rangoon or Peshawur than in Calcutta? The limits of the Viceregal dominions, even Calcutta agitators know, are the sole bounds of his authority.

Mr. Yule earned the noisy plaudits of the meeting when he referred to the Supreme Government as "policemen, who desert their beats." Had he spoken of it as the advance guard, who go where danger is more than probable, whilst he and his confrères are accumulating wealth in a safe back-ground, he would have been nearer the truth, but such is Calcutta gratitude as expressed by Calcutta agitators. It is well for the men of money and the men of law that the Viceroy spends a large part of the year near the North-Western frontier in consultation with the Commander-in-Chief and the Lieutenant-Governor of the Punjab, instead of discussing with them the petty incidents of Calcutta trade and Bengal litigation. It is only last year that we had a scare, and many a member of the Chamber of Commerce and the High Court Bar betook himself to an assiduous and patriotic study of the goose-step in the ranks of the local volunteers as an additional protection of their sleek selves and plumper pockets against danger from the same quarter.

One would really imagine from all this hubbub that when the Viceroy, the Lieutenant-Governor and the heads of departments leave Calcutta the town is abandoned by every form of constituted executive authority. The recent meeting and its orators wholly forgot that from year's end to year's end they have resident in Calcutta the Commissioner of the Presidency Division, an officer of the highest position and of very lengthened service, who in fact ranks next to a Lieutenant-Governor in authority. In matters relating to the municipal administration of the town they have their official Lord Mayor, the Chairman of the Corporation, an officer of ability and experience equal to any Secretary to Government. The affairs of the port are practically in the hands of the Calcutta merchants themselves to regulate.

Mr. Yule was succeeded as speaker at the meeting by Mr. Pugh, a distinguished lawyer, who knows as well as any one the value of argument, and who, being resident for many

years in Calcutta, must be as thoroughly acquainted with the *pros* and *cons* of the present controversy as any man in the country. After, however, a few graceful and well deserved encomiums on a distinguished Bengali scholar and an equally distinguished Bengali nobleman, the first sentence that passed his lips were—"I say a very few words, because other able speakers will follow me, who will take up the various points with reference to this Simla exodus." We will see later on how this promise was carried out. Anyhow, Mr. Pugh's address, which developed itself into a very enlarged edition of "a few words," contained the minimum of reasons for condemning the so-called migration, and Mr. Pugh was certainly the ablest and best informed speaker that addressed the meeting. As he progressed in his speech he seemed to experience an uncomfortable feeling of the incongruity of the fact that he, a man of arguments, a skilled advocate and ex-member of Parliament, should have no shaft more powerful than declamation and laboured sarcasm to hurl at the thing he was attacking. So, at last, he bethought himself of a petty occurrence of four years ago, when in May 1882 some ships laden with petroleum, declared by experts to be unsafe, were delayed for several days in the Hughli, whilst telgraphic references were being made not to Simla but to London. The whole transaction would probably have been forgotten long ago but that the opinion widely prevailed that, whilst the Supreme Government in Simla was desirous of enforcing the law against dangerous combustibles, the merchants concerned were able to use at the India Office some influence that did not enter by the hall-door. However that may be, the introduction of this ancient matter as a solitary instance of difficulty arising from the Government being "up at Simla," is the clearest proof of how few and how trivial are the alleged inconveniences of the Viceroy's annual visit to the hills. And even this poor argument is worth nothing in the present case. The difficulty, if such really existed in 1882, would be as great if the Governor-General were at the time enduring the torrid heat of the plains at Dehli or Hyderabad. Again, we see, that the sin of the Supreme Government is not that it neglects its duties in any way, but that it dares to move out of Calcutta. As a matter of course, the first resolution, which was in Mr. Pugh's care to propose, began with the stereotyped introduction which so often forms a screen for ends consciously or unconsciously selfish, "that this meeting having regard to the best interests of the country, and having at heart the cause of good government in India," &c., &c., &c. It is evident that Mr. Pugh was not to be outdone by Mr. Yule in developing the amusing parts of their highsouled demonstration.

The distinguished lawyer was succeeded by the leading merchant. At least from his being the only member of the trading class "having the honour" to propose a resolution, such, we presume, Mr. Wilson to be. He would not intentionally join in any of the *persiflages* of his two predecessors. He solemnly came forward with a ponderous resolution, containing the heads of ten heavy arguments against the wickedness of going to Simla, and then perpetrated the real joke of the day—by adding immediately, "Gentlemen, I do not propose to occupy your time by going exhaustively into each one of these grounds," and by in fact proceeding to pass over nine out of the ten without a syllable of comment. Mr. Burnand might add to his well-known publication the following "mem," which would doubtless be sincerely appreciated in Calcutta. "When you have absolutely nothing to say against a thing—happy thought—declare you are not going to discuss it exhaustively." Mr. Wilson merely told his audience with bated breath how in the last eight years some hundreds of thousands of pounds had been spent by all the administrations in India on visits to hill sanataria, as if every one did not know that in a number of years these expenses did amount to something pretty big. Had he taken quarter of a century he might have got to millions by the rules of simple addition and be as horrified at the result as the delicate lady not in her earliest youth was, when she was told she had consumed in her life-time some tons of bread and hundred weights of butter.

We are not sure that we are justified in treating Mr. Wilson's performance from the laughable point of view alone. We suppose he is an intelligent man of business, and that he knew that his, the principal resolution of the meeting, the only resolution with a bit of seeming argument in it, the only one that was more than mere verbiage on the face of it, would be telegraphed to England. It did, in fact, appear in the *Times'* Monday Indian Telegram, and its nine unproved assertions were accepted as having some basis of fact in them. It would be beating the air to attempt to refute them here, as they were not backed by a scintilla of proof. The last of these baseless assertions is so grossly contrary to fact that to quote it will be sufficient, in India at least, to stamp it with reckless inaccuracy. We do not hold Mr. Wilson morally responsible, as it is most probable he had nothing to do with drawing up the resolution. Still most men would feel a qualm of conscience in asserting that any "practice has been condemned upon military, political and administrative grounds by the highest authorities who have considered it," without quoting or even naming one of these high authorities. Mr. Wilson should know that for the past thirty years there has been an almost

perfect consensus of authoritative opinion against governing India from Calcutta and in favour of a prolonged annual visit to the hills. From Lord Lawrence to Lord Northbrook, and from Lord Lytton to Sir Henry Maine, every one, who understands the nature of the work of the Supreme Government, has condemned the first and supported the latter practice.

Mr. Wilson, like Mr. Pugh, had an isolated instance of governmental wrong-doing to bring to notice, but what on earth it had to do with the Simla exodus, or why in reason it should be mentioned in this connection, he did not for an instant explain. "The export trade of this capital," he informed the meeting, "for years has suffered from a vexatious and crushing impost of demurrage rates on wheat and seeds arriving by the East India Railway." Six months ago, however, the Supreme Government allowed a different system, recommended by the merchants, to have a trial, but has recently "reverted to the former objectionable rules." The implied argument is, that if the Viceroy were in Calcutta, this relapse into evil ways would not have come about. Mr. Wilson will, however, at least admit that the fact of the Supreme Government being in Simla was not the cause of its obduracy. If it were in Lahore or Mandalay it would hardly be more kindly. The Calcutta agitator again cannot look beyond the Mahratta ditch, and once the Viceroy passes that boundary he is a man of wrath to be anathematized like a Hindu, who ventures over the "black waters" of the Indian seas. We would ask, What were the Calcutta merchants doing throughout the cold weathers of the "many years" the objectionable system was in force? They had the Viceroy month after month in their midst. How is it they did not get "touch" of him, and prove to him how wrong it all was. The fact is, the solitary instance of mal-administration produced from the leading merchant's experience is more unfounded, more absurd, than the solitary instance the distinguished lawyer could adduce by a very difficult stretch of memory.

If we had the space we would wish to continue to analyse the speeches of the succeeding speakers, who were mostly a detachment from the Bar Library next door. The denizens of this centre of legal wisdom are well known to be quite as hard hit by the Income Tax as any ill-paid official in the country, a fact which they resent as a monstrous interference with their well-established custom of accumulating handsome fortunes out of the courts and suitors of Bengal, without contributing a stiver to the cost of its administration. Had these good gentlemen been included in the exempted classes, we would have heard particularly little of this agitation. It is notorious in Calcutta that they are the wire-pullers of the whole business,

and we have hereby much pleasure in openly belling the cat. They have got hold of a popular grievance, as it is called, which is capable of endless misrepresentation and the repeal of the Income Tax is the price they demand for allowing the Supreme Government to peacefully do its work in the locality and climate where it can be most efficiently carried on. It is useful to note that the *Times'* correspondent is one of the legal fraternity. As to these subsequent speeches, we will only say that they were quite as wanting in every thing but declamation and sarcasm as the three we have already commented on. Babu Surendranáth Banerjea, lawyer number two, was very fluent, and valiantly struggled for "those rights and privileges which are the inalienable heirlooms of British subjects all over the world." What the political treasure now in danger was he did not make very apparent, but the Defence Association cheered with a vigour that reminded us of the scant regard they had, a couple of years ago, for another of the Babu's threatened heirlooms of the British subject. Mr. Gasper, lawyer number three, was the angry man of the occasion and must have thumped the table, but not a single concrete instance of disadvantage due to the absence of the Supreme Government did he attempt to adduce. Mr. Apcar, lawyer number four, was far more gentle, and quoted two pieces of poetry and a scrap out of a novel as his contribution to the argumentation of the question. Mr. Mehta, lawyer number five, who, we believe, comes from Western India, reminded the meeting of the undreamed of possibility that other parts of the empire had been highly recommended as permanent seats of the Supreme Government including Puna and Nasik in Bombay. This gentleman made infinitely the most useful speech of the day. His mind was not clouded by a belief in the eternal fitness of Calcutta. He knew his subject and fairly quoted authorities on both sides of the question. If the preceding speakers had made a similar effort to treat what is a great question of imperial interest with some breadth of view, to free it from such pettinesses as the petroleum squabble and demurrage rates, they might have done much service, and the meeting would not be the object of amused scoffing that it is to all but the gulls, who know India only from the London dailies and illustrated journals. Of one thing they may be sure, and th t is that their declamation and sarcasm will not weigh one little ounce with the statesmen who have to decide this question. On the contrary, their meeting and its logical barrenness afford the one conclusive argument the advocates of a judicious use of hill sanitaria wanted. It is now placed beyond doubt that during a period of at least four years not one single disadvantage has been felt in the largest town in India, which can for an instant be

attributed to the Viceroy's absence at Simla. The two petty difficulties that have been brought forward might have arisen at Chittagong or Kurachi, and could only be met in the way desired by the egoists of Calcutta, by keeping the Governor-General of the Empire at the beck and call of every oil and grain merchant amongst them—which is, no doubt, a very precious ideal of a Governor-General. It is perhaps an article of Calcutta belief that Lord Salisbury and Mr. Gladstone never leave London for fear of neglecting the interests of the brewers and soap boilers of the English capital.

So far for the speech-making enemies of Simla. It has also a few assailants in the local press. It would be a tedious task to argue with the latter, and we have no intention of doing so. At the same time it is interesting to observe that Calcutta agitation is not always represented by gentlemen of the high character of Mr. Yule and Mr. Pugh. Most of the daily journals outside Calcutta have been making merry over the latest ebullition of Town Hall indignation and eloquence. The two leading newspapers of Upper India, the *Pioneer* and the *Civil and Military Gazette*, have had much less mercy on its worthy but misguided speakers than we hope we have shown. Such conduct was not to go unpunished. *The Indian Review*, a Calcutta publication, resented these caustic remarks in an article in its August number, with a vigour and elegance of language rarely rivalled. One of the ablest journals in India is pleasantly told that its "drivel would scarcely raise a smile, except it be one of compassion, even in the taproom of a low pot house," whilst its editor or leader-writer,—it is not quite certain which—is apostrophised as "the self complacent carcass of insolence and fallacy, that, like a Punch puppet shoots out its wooden head and reviles and mocks:" a not very graceful side of Calcutta agitation this, and one to touch which would, we feel, be to risk almost certain defilement.

Failing in more solid argument, the assailants of Simla have carried on their attack under cover of two really meaningless expressions, which, however, have come to influence very considerably many men, who would be ashamed to acknowledge that they argue with words and not with facts. The first of these is "want of touch." The Supreme Government, we are told, loses touch with the people, if it goes to Simla. We may observe that this is a purely Calcutta cry. There come no such repinings from Madras or Bombay. We would like to know how much "touch" is demanded by Calcutta requirements. The Supreme Government has annually spent three to four months there for many years back. What English administration ever bodily transfers itself for one-tenth of that

time to Manchester or Liverpool? By going to the Punjab does not the Viceroy gain touch of the people of a province as important as Bengal, even if we disregard its special political prominence? Must we again ask, is all India to be neglected for "our metropolis?" If any thing is apparent as the result of the anti-exodus agitation, it is that, whilst the Supreme Government devotes eight months of the year to its special duties as the guardian of imperial interests and imperial and foreign policy, it runs a very serious risk of censure for the unnecessary period it so often wastes in Calcutta during the only season that a general visitation of the other great divisions of the empire is practicable. A prolonged stay in that city was no doubt justified in the winter of 1884-85 by the consideration of the Bengal Tenancy Bill. Last year there was no such necessity, and the Viceroy very properly left Calcutta to its local administration, and went where he was wanted, to Mandalay and Madras. In the coming cold weather Bengal is again of not the smallest imperial concern. Burma, Madras and Central India continue to demand his personal care, and Lord Dufferin is about the last man amongst us to allow recent selfish clamour to interfere with the full performance of his duty. The next winter session of the Legislative Council will direct its attention principally to a Bankruptcy Bill, and the question of imprisonment for debt. The need for this legislation arose admittedly in Bombay. Can any good reason be assigned why the Council should not sit in the capital of the Western Presidency? At least it should meet in Allahabad and thereby be within "touching" distance of Bombay, Bengal and Upper India. If there is any thing in the "touch" theory, this certainly is the right thing to do. The agitators are clearly bringing us near the time when, except under unusual and special circumstances, the Viceroy's visit to Calcutta will be limited to one month. Surely the remaining three months of the cold weather tour are not too many to effectively inspect and directly supervise the other portions of his vast dominion.

Whatever is lost must have been at some time possessed. When, where, and how then has the Supreme Government ever had "touch" with the people and with what people? The Viceroy has as little personal knowledge of the Indian ryot, as the Calcutta merchant or lawyer, but most of his councillors have lived amongst Indian ryots whilst a generation has grown from infancy to manhood. Still as members of the Supreme Government, they see nothing of the agricultural class and consequently have not got, we suppose, the requisite touch with nine out of ten of the population, the objects of nine-tenths of our most important legislation. This is equally true in Calcutta and in Simla. Nor have they any nearer relations with native

merchants. We doubt if a single member of this class ever sought an interview with the Viceroy or his councillors, till by public benefactions he had developed into a Raja or Nawab. Even in Calcutta with whom at any time have the high officials of the Supreme Government any "touch," in the sense of intercourse? With a dozen, perhaps a score, of native noblemen and half that number of untitled but highly educated native gentlemen. We have sincere respect for the latter little group, and if they are really representative Bengalis,—a very possible fact, outcastes though many of them are from their own society,—nothing would give us greater pleasure than to see them when this country has won its way to representative institutions, in some position where they can influence the administration of Bengal and Calcutta. Nothing also would seem to us more fitting than that some of them should then share in the councils of the Empire, together with delegates from every other province, but they must go to the Indian Washington as willingly as Californian gentlemen cross a continent in order to take their places amongst the senators and congressmen of the Great Republic. We hope that the ability and loyalty of Bengalis will always be recognized by their selection to the Legislative Council, but they cannot expect that the convenience of all other Indian representatives should be sacrificed to them. Even now the absence from the Imperial Legislative body of the native leaders of opinion in Western and Southern India is felt and ought to be regretted. There is nothing that interferes more with the growth of healthy native political life than the present system of legislation in an out-of-the-way town in the back-ground of Hindustan.

It may be urged that in Calcutta the Viceroy comes in contact with the European community. In a social sense this is true, but the number of merchants, lawyers and tradesmen, who by experience and ability are entitled to be consulted even in local matters is singularly small. These gentlemen obstinately hold aloof from the municipal administration of the town. In the list of Justices of the Peace for Calcutta none of their names are to be found. They refuse to pursue any of the recognized roads that lead to political experience, and even on local questions it is impossible to value their opinions very highly. They are not more numerous than those of Bombay or Madras, and are believed to be very much less public-spirited than the former. At the present hour, Calcutta cannot produce a dozen non-official Englishmen who are either fit or willing to aid the imperial administration. Allowing that it could do so, does it not seem a little ridiculous to expect the Viceroy to submit his policy to this small body, a veritable clique, representative of nobody but themselves and of

nothing but Calcutta? The Supreme Council and Secretariat are drawn from every part of India, and, so far as officials can be so, are representative in a very marked degree. They not unnaturally regard with some anxiety, not unmixed with amusement, the pretensions of Calcutta inexperience to hash the affairs of an empire according to the measure of its local whims.

Nothing can be more irritating to a man, who sincerely desires to see a reasonable development of non-official influence in India, than this whole silly empty agitation against Simla. There are several earnest and able men connected with it, but they unfortunately have too many lawyers amongst them, and a lawyer, as Edmund Burke said long ago, is as mentally fit to understand a big political issue as a mouse is to appreciate the parturition of an elephant The native speakers distinctly showed at the Calcutta meeting that they were quite aware they were nibbling at a very big political issue. For them the Legislative Council and all its surroundings are an official coterie They are quite conscious that it is no better or no worse at Calcutta, but they could throw as many bricks as they liked at it in Simla, and win the cheers of an European audience. They clearly perceived that an opportunity of discrediting it was before them, and they did not lose it. If the Legislative Council were a representative body in any real sense, they would be very slow to assail it. If it were really representative in Calcutta, it would be equally so in Simla, for if the non-official members were unable to maintain themselves there, the people of India would be proved fit for nothing but a benevolent despotism if it failed to supply them with the means to do so. At present these gentlemen are mere figureheads without any power and with little influence. It is true that the opinions of educated natives and European merchants often very seriously affect legislation, and most properly they do so; but it is the opinions, carefully and ably put forward in the memorials of the Chamber of Commerce and the British Indian Association, and not the oratory of the Hon'ble Mr. This or the Hon'ble Babu That, that have an effect so desirable. Every official member of the Legislative Council goes to its meetings with his subject made up *au fond*, including the contributions of the various associations and societies throughout India, and with his mind made up not less thoroughly. The plain truth is the Calcutta non-official politician will not go to Simla any more than the similar gentleman in Bombay or Madras will not come to Calcutta merely to make speeches when he knows that his vote, if opposed to the Government policy of the day, is not worth a brass farthing. We have no intention of discussing the very

big political issue involved, or whether it would be either safe or wise that the Government could be out-voted. But we do say that, whilst our system of legislative administration is what it is, the assertion that the physical presence in Council of the Hon'ble Mr. This, or the Hon'ble Babu That is more likely to influence and "touch" the hard-headed and experienced administrators, who surround the Viceroy, than the careful, accurate and complete written expositions of the great public associations, is the veriest rubbish. Eloquence, claptrap even, has often won a vote in the House of Commons, but that sort of thing is wasted breath in a cabinet council, such as legislates for India. There is no Government in the world, which has really closer touch, in the sense of knowledge, with the people it rules. It has the most elaborate system of reporting on every movement of popular feeling, and all its information is sifted and verified with a thoroughness it would be impossible to surpass. There is not a single project of law that is not submitted to the most subordinate Deputy Magistrate for criticism. As his opinions, which are those of the middle classes of native society, pass upwards they are examined and commented on by half a dozen grades of experienced officers, who have the very best sources of information at their command. It is not too much to say that there is hardly a subject of imperial interest in Bengal that is not more fully understood in Simla than in Calcutta. As a contradiction of this fact, it is common now-a-days to refer to the Ilbert Bill and the "ignorance" of the Government "up at the hills" in regard to the real nature of the opposition to it. No argument could be more inaccurate and unfounded. The Supreme Government had the most complete information from day to day all through that troubled time, and its pressing on the obnoxious measure was due to anything and everything but ignorance. We do not wish to enlarge on this fact, for fact it must be admitted to be. The weakest thing Lord Ripon ever said was, that if he had known the depth of the hostility to the bill, he would not have persevered with it. The only answer is that every one in Simla but the Viceroy knew it, and he also had the most perfect means of knowing.

The second of the *idola fori* we mentioned a few pages back as weighing as an argument against Simla is the "picnic" idea of Government in the hills. It is the unhappy fact that there are men in India, sane in other matters of public life, who sincerely believe that the administration of this vast empire—"the best under the sun," many of the same gentlemen will tell any unbelieving native editor—is carried on by a body of lotus eating *flaneurs*, devotees of tennis, Mrs. Lollipop and the glades of Annandale. The whole Sybaritic story may be

true, but it is very very wonderful how the men of ceaseless energy, the ambitious administrator, the active magistrate, the endless report writer, the scholar and pride of "the finest service in the world," we used to know and admire in the plains, should come to this. Several learned lawyers, and especially the poetical Mr. Apcar, assured the late Calcutta meeting of the fact, and they were implicitly believed. We, however, have a suspicion that there is an explanation of this imagined transformation. These learned gentlemen take a very substantial holiday every year, when the courts are closed and legal business at a stands-till for a couple of months. They are very fond of visiting the hills if, indeed, they do not run home to merry England—a rare joy for the Simla official. They mean to have a high good time of it. There are no more faithful followers of the grass-widowed fair, and when, after a lengthened bout of pleasure, they leave the elysium they made for themselves, they cannot believe that the resident officials are less susceptible and sportive as they were.

It is true that the Viceroy, according to prevailing custom, takes part in one big picnic every year, or rather has to supply it, very much to the detriment of serious administrative work. How the fair ladies of Calcutta and its match-making mammas and papas look forward to the advent of the Governor-General, and if they do not get their regulation quantum of drawing-rooms and balls, garden parties and dances, there is fierce wrath in Chowringhi and Theatre Road. The Viceroy must go in state to the races on cup day, and put in an appearance every other day. Then there are levies and reception and "at homes" followed or preceded by dismal state dinners. In fact, for three weary months a man of three-score years must do more than the work of a Prince of Wales added to that of a Prime Minister, graciously catering to the pleasures of a society that repays his generous hospitality by a mean agitation to deprive him of rest and health. All the high and elderly officials around him are dragged through the same tiring hurliburly. To see them after a hard day's toil at their desks taking their share of social labour at a state ball compensates many a less successful man. How they must long to be done with the big picnic of Calcutta and get back to Simla, its quiet and its sterling honest work.

The Darjeeling exodus stands on very different ground. That sanitarium is much further removed from Calcutta than Simla is from Umballa. It has, however, an importance which the Punjab hill station does not possess. Our political relations with Nepal and Thibet would more than explain an annual visit of the Lieutenant-Governor to the Sikkim hills. We do not desire to press this justification, but its existence

is a fact that cannot be overlooked. The prolongation of this visit over two or three months is due entirely to the character of Darjeeling as a health resort. In this respect it yields all the administrative advantages we have already noticed in the case of Simla. The first of these is the avoidance of change in the personnel of the Government. There are four secretaries to the Lieutenant-Governor of Bengal, and none of them has taken a day's furlough since they were promoted to these important posts, and it was almost exactly the same with their predecessors. Mr. Mackenzie was absent on furlough for one out of fifteen years secretariat service; Mr. Macaulay for five months in ten years; Mr. Barbour for one year in eleven; and Mr. Macdonnell for one year in ten. All the present incumbents and a dozen other gentlemen, who have passed through the Secretariat, have years of furlough to their credit, although their duties are the most onerous and laborious an Indian civilian can be called on to perform. Two or three years continuous service in the plains would be the limit of their endurance and strength, were it not that they are enabled by the hill climate to tide over the most exhausting months of the year. As we pointed out before, every year of furlough relinquished means a clear thousand pounds, or at present exchange Rs. 14,000, saved by each of these officers. The same applies to Heads of Departments. The saving by furlough allowances so demitted is on an average not less than Rs. 20,000 a year, a very large pecuniary make-weight, considering that the total annual cost of the Darjeeling exodus is only Rs. 60,000, including travelling charges, of which fully one-tenth would be incurred by an annual visit of the Lieutenant-Governor to Northern Bengal and the Nepal frontier. After the 1st April next the whole of the railway expenditure from Calcutta to the foot of the hills will be paid to State lines, that is, will simply be a transfer of money from one public coffer to another. Even now this is true over more than half the journey. The deduction on this account is a very large item, leaving a balance not exceeding Rs. 25,000, or £2,000, as the actual cost of removing the Government offices. So petty is the residual amount that we can hardly believe it would weigh for an instant in the decision of this question, if unaccompanied by other objections.

The real gravemen of the case against Darjeeling is that, whilst the Supreme Government is a supervising authority, the Bengal Government is a direct, active, local administration, of which Calcutta is beyond question the seat and centre. We wish to admit all this most fully, because we believe that its admission cannot injure the advocate of a reasonable use of the climatic benefits of Darjeeling. Any very lengthened absence

of the Lieutentant-Governor from Calcutta could not be justified, and is not attempted. From the middle of April to the end of June is his longest period of hill residence, followed by a seven weeks trip in September and October. This is certainly not an extravagant enjoyment of the Himalayas, and the latter period includes the Durga Puja holidays, during which not only Government offices but those of merchants, both native and Europeans, are closed for a fortnight: moreover, the long vacation of the High Court is an almost synchronous event. The lawyers are picnicing, and when they are at rest the world runs more easily. Every one is having his annual outing, and the advantage of a healthy climate may at least be allowed to a Government, whose chief and principal members rarely take any form of leave. The eleven weeks in April, May and June can be the only objects of animadversion. Yet it seems a mixture of folly and inhumanity to grudge a man of the years of a Lieutenant-Governor his retreat before the fierce heat of the hottest months of the year. The present Lieutenant-Governor had served one and thirty years before he was called to his high office. His successor designate is within a few months of an equally extended service. It would be an expensive form of homicide to compel men of their length of Indian employment, such as is unknown in the legal and mercantile ranks, to face five years continuous residence in Calcutta. These torrid months are also the period of heaviest work for him and his secretaries. During the cold weather he has to give a large share of his time to the Governor-General and the sessions of the Supreme Legislative Council. The round of social avocations at that season seriously trenches on his working hours. It invariably happens that there is a very heavy accumulation of arrears when the Viceroy takes the return train to Simla. Those good people, who believe that Darjeeling is a region of picnics, would do well to observe the stream of resolutions and minutes regarding every branch of administration that appear in the *Calcutta Gazette* during these months.

We need not repeat here the arguments in favor of the secretaries and heads of departments accompanying their chief. In regard to the former it is a matter of the strictest necessity if all work is not to be dislocated. As to the latter, namely, the Inspectors-General of Police and Jails, the Post-Master General and the Chief Consulting Engineer, the necessity is not so imperative, but when we remember that in Bengal they are all inspecting officers and spend the larger part of the cold weather in touring about the province, we consider it of great value that they should clear off their arrears of office work in a healthy climate, and decide the

various matters that have come to their notice during their tours in consultation with the Lieutenant-Governor. It is rumoured that henceforth the junior secretaries are not to go up to Darjeeling. We regret to hear it. The diminution of cost will be hardly appreciable. They are certainly the hardest worked men in the Civil Service. It is already difficult to get young civilians to undertake their ceaseless labour, under which many have broken down in spite of the salubrious air of Darjeeling. They are the rising men of the governing service, and it is unfortunate they should be embittered against the non-official classes by the viciousness of Calcutta agitation. Another probable result of this movement is that there will be some cheeseparing over the hill allowances of the Secretariat clerks, which is certainly a most appropriate ending to the pettinesses of the last indignation meeting of our "metropolitan" agitators.

C. J. O'DONNELL.

JAE SING:

A STORY OF THE OLDEN PANJAB TIME.

"A fine old gentleman,
All of the olden time."
—*Old Song.*

Acres broad and goodly towers
Still are left me?—Well, you're right:
But I miss my king-like powers—
And the freedom of the fight!

Stay,—I'm thinking of a story
That the other night I dreamed:
Of a struggle short but gory,
And an ancient pledge redeemed.

Pennons gay and streamers flying,
Out we marched, some ten-score men:
(And the summer sun lay dying
When we marched back, half, again).

Marched by silent woodlands blowing
With the wealth of summer green;
While the stern broad river flowing
Glinted back the noonday sheen.

Towering high above his comrades,
Rode my father, strong and slim:
Not a sword among those good blades
Could have vied in strife with him!

And the far-famed *Jwálla Mukhi*
Proudly pranced her glowing feet:
From the royal stables came she,
Fleetest steed among the fleet.

* * * * *

As we talked, the time beguiling,
Rose the call for evening prayer;
And our leader, grimly smiling,
Drew his strong blade from its lair:

On the keen edge passed a finger,
Kissed the jewel-studded hilt! . . .
The wild memories round it linger,
And the blood that it has spilt,

On his fierce-wrought soul come rushing,
Like a mountain torrent's flow :—
In a moment we are crushing—
Bursting headlong on the foe!

One to ten!—some one betrayed us!
But they're Moslems to the core;
And we smite—great Guru aid us!—
As we never smote before!

Clash of arms and groans of dying
Rend the air,—and back we reel;
But our war-cry sends them flying,
Flinching from our flashing steel.

"*Guru Ji ki fateh!*" cried we,—
And we knew the day was ours,
As we reined our horses by the
Village mosque's accurséd towers.

Then we scorned them to their faces,
And, at lance-point sharp and keen,
Bade them wash their sacred places
With the blood of things unclean.

But the day is ours no longer,
And the rust now eats the steel:
For the scribbler's joys are stronger
Than the joys that warriors feel!

R. SPENCER.

SONG OF THE ALGERINE CORSAIRS.

From the "Chanson des Pirates" in "les Orientales" of Victor Hugo.

I

From their coral fishery we
One hundred Christians captive take ;
Search for recruits we now must make
For the seraglio's luxury,
Amongst the convents by the sea :
From Fez our Rovers sally ;
To Catania they go ;
In our Captain's galley,
Which eighty rowers row.

II

We spy a convent on the land ;
Quickly let the anchor go !
Lower the pinnace, boatmen, row !
A girl lies sleeping on the strand,
By a plane-tree's branches fanned.
Peacefully she slumbereth,
Nor doth her danger know ;
While in our Captain's galley,
The rowers cease to row.

III

'My pretty maiden, we must wake thee,
Come with us, the wind blows fair :
From thy quiet convent there
To the harem will take thee
And Mahometan will make thee.
His Highness loveth novices
So to him thou must go
In our Captain's galley
Which eighty rowers row."

IV

Towards the monastery she flies
"Son of Satan ! dar'st thou seize me ? "
Quoth our Captain "Thou dost please me "
So I claim thee for my prize "
Plaintively she weeps and cries.
But we bear her to our vessel
And we mock her piteous woe
While in our Captain's galley
The eighty rowers row.

F. H. T.

THE QUARTER.

THE principal events of the quarter under review, (European and Indian,) have been—the English elections ; the resignation of Mr. Gladstone, and the accession to office of a Conservative Ministry under Lord Salisbury ; the Russian declaration about Batoum ; the deposition and restoration of Prince Alexander of Bulgaria ; the "difficulty" about the Wakan territory ; the progress of the Dacoity campaign in Burma ; the progress of the Silver controversy ; the Belfast riots ; the termination of the Dilke Crawford divorce suit ; the great meeting in Calcutta against the Simla exodus ; the *Statesman* libel case ; the abandonment of the Tibet mission ; the termination of the Crole case, and the sustained activity of the Finance Committee.

As regards the elections it was Gladstone *versus* England, and England won. The victory is more decisive and more important than the members, representing the Conservative majority, would indicate of themselves. The section of Liberal Unionists returned to the New Parliament is not numerically speaking very strong, but then it includes nearly all the representative men—the men of "light and leading"—of the Liberal party, and, therefore, everything that gave dignity and influence to English Liberalism in our time. With the almost solitary exception of Sir William Harcourt, the English Liberals, who now form the Gladstonian party, are men who represent nothing, or have represented nothing, except that sort of political dexterity which is acquired in following the tortuous gyrations of the most tortuous politician of modern times. There is not much to be feared from them as regards anything they can effect, either individually or collectively, to bring about a reaction of public opinion in favour of Home Rule. They are kept together by their leader, and if they are deprived of that leader, they will resolve themselves into their original elements,—a fortuitous concourse of political atoms. Thus, in our opinion, the political prospects of the country are brighter and more assured than they have been for many years past ; the era of "blundering and plundering" is over for the present ; our rapid progress down the broad path which leads to revolution has been decisively arrested, and although the great personal influence of Mr. Gladstone must always be a force in English politics

so long as he continues "on the platform of extinction—unextinct," still his Parliamentary supremacy has gone, and gone, as we firmly believe, never to be restored. Klisthenes was a metaphysician as well as a statesman when he invented the system of ostracism for the ancient Athenians. There is something in the possession of exaggerated personal influence in politics which begets a cumulative disposition to test that influence to the utmost, to strain it to the breaking point. "We must never invade Russia," said Talleyrand to Napoleon the Great: "*that* is beyond us." And this, there is reason to believe now, was the real opinion of the Emperor himself, and yet he invaded Russia, and the result fell out as Talleyrand had predicted, and the blame was laid, after the orthodox Imperial fashion, on fate or treachery, or an evil conjunction of malign stars, or anything but the real cause. Mr. Gladstone had achieved so much, and dared so much,—he had defeated so many combinations—survived so many blunders and disasters—that his faith in himself became a sort of fatalism. "What can I do," is the question which the patriotic statesman sets himself to answer. What can I *not* do"? is the alluring form which that question takes to the political autocrat. Well, we know at last, after years of bitter experience, what Mr. Gladstone can *not* do, and that is some consolation. He could leave Majuba, Khartoum, Panjdeh unavenged—he could desert and betray Gordon—he could hand over the lives and properties of Irish loyalists to the tender mercies of the Land League,—but he could *not* destroy the unity of the Empire, and that is something to be thankful for at least.

During the quarter under review the Russian government issued a declaration to the effect that Batoum was no longer to be considered a free port. Let us now see how we stand with reference to the Treaty of Berlin. The treaty which terminated the Crimean War has now no existence. It has simply disappeared from the archives of European diplomacy. One by one every clause of that treaty has been abrogated by Russia, and everything we fought to prevent her getting, she has since obtained. The same process is being repeated with reference to the Treaty of Berlin. The principal concession granted to Russia by that Treaty were Kars, Ardahan, Batoum and Russian Bessarabia. As a set off to these concessions what did England obtain? She acquired Cyprus, and, in deference to the requirements of English policy in Eastern Europe, two clauses were inserted in the Treaty of Berlin. The first clause stipulated for the fortification of the Balkans by Turkey, and the second clause stipulated for the conditions under which Batoum was to be made over to Russia. Well,

we retain Cyprus, but the Balkans have never been fortified, at least to any greater extend than they were during the Turko-Russian war, and Batoum is no longer a free port. It is a closed Russian fortress occupying a most important strategical position; and yet, while Russia is engaged with one hand in tearing to pieces the clauses and stipulations of the Berlin Treaty, she is drawing out with the other, and with our assistance, a new set of clauses and stipulations to regulate her position on the Afghan frontier. That dreary farce—the Frontier Delimitation Commission—is played out: the last pillar erected by the English Commissioners finished their labours. That pillar has been placed, in a conspicuous position, on the road between Panjdeh and Herat, and exhibits on the Russian side the inscription "No thoroughfare," which will, of course, be quite sufficient to keep the Russians from ever even thinking of approaching India from that quarter!

Prince Alexander of Bulgaria was deposed and deported during the quarter under review, and his return and restoration followed hard and fast on his expulsion and deposition, and his resignation hard and fast on his return. There is something half ludicrous, half alarming—wholly unsatisfactory—in these petty revolutions in Eastern Europe—

> Too comic for the solemn things they are,
> Too solemn for the comic touches in them.

It is impossible, on the one hand, not to sympathise with Prince Alexander, but on the other hand it is greatly to be feared that any further Bulgarian infringements of the Treaty of Berlin will give Russia an excellent opportunity for re-opening the Eastern question—and re-opening it under aspects and conditions very favorable to herself. Of course, the establishment in Bulgaria of a liberal, progressive and patriotic government is, from an abstract point of view, a very desirable and gratifying phenomenon indeed, but if Bulgaria must gravitate towards Russia—if Russian influence must remain paramount at Sophia—and if that influence is recognized and, as it were, guaranteed by Germany and Austria, it is difficult to see what is to be gained, even in the best interests of Bulgaria herself, by any temporary political spurt in the direction of free and liberal institutions.

Coming events cast their shadows before, and already the shadow of the Colossus of the North is looming across the hills and valleys of Afghanistan. A "difficulty" has arisen between the Amir of Bokhara and the Amir of Afghanistan about the Wakan territory. The difficulty will no doubt be kept open until it suits Russia to step in and settle it in her own interests, and at her own time. Thus, far away from those architectural old

almanacs—the pillars of the Boundary Commission—we have Russia giving us a practical illustration of the fact, that more than one road leads to Cabul.

The dacoity campaign in Burma is beginning to resemble a story in one of our serial publications. It is in a chronic state of being "continued in our next." The loss of European life, though not very heavy, has been pretty continuous, and the miserable poltrooney of the Burma military police, has been noticed, and commented on "with grave dissatisfaction" by the Chief Commissioner. In the coming cold season, all this is to be put an end to by a grand display of military strength on the part of our Government. "Todgers can do it when it likes—Mind that!"

The "Statesman" libel case ended, as every one foresaw that it would end, in the disagreement and dismissal of the jury. There were six jurors for an acquittal and three for a conviction, and the six acquitting jurors were Natives and the three convicting jurors were Europeans. Under these circumstances it is highly probable that the rhetoric of Mr. Bonnerjee, and the logic of Mr. Gasper and the authority of Mr. O'Kineally had about as much influence on the decision of the jury as the striking of the High Court clock. The case is to be tried again next session, which is a pity, as the same result is only too likely to be repeated, and the Government is not so flush of cash just now that it can afford to waste money in abortive prosecutions.

In the Dilke-Crawford Divorce suit, the verdict of the jury affirmed the original decision of Mr. Justice Butt, and dismissed, as baseless,—or at least inadequate—the plea for intervention put forward by the Queen's Proctor. The issue of the trial leaves Sir Charles Dilke a disgraced and ruined man. If the verdict is accepted, he was guilty of perjury, and subornation of perjury, as well as seduction and adultery, besides other acts of sensuality and profligacy too loathsome to be thought about, much less named.

The Tibet Mission was organised, officered, fitted out, assembled for departure at Darjeeling, and abandoned—during the quarter under review. The Mission came, saw, and—dissolved. The history of the Mission has been from the first most unfortunate, and the inevitable conclusion is forced upon us, that "some one has blundered" in connexion with the matter. The blunder, by the way, has been rather a costly one so far. First, there is that "unconsidered trifle," the salaries of the officers who were

kept kicking their heels about Darjeeling for some three months; then the cost of the purchase and maintenance of 500 mules with their syces and keepers, and last, but not least, the presents for the Lamas, valued, I believe, at more than a lakh. Now who is to be held responsible for this sickening waste of public money? It would be in the highest degree unfair to assume that Mr. Macaulay should be made to bear the blame, simply because he happened to be the Chief of the expedition itself. It is highly probable that Mr. Macaulay is, as a man, more sinned against than sinning in connection with the matter. He was sacrificed at the last moment to the requirements of our Burman policy. We have nothing to say against this in itself. The abandonment of the expedition may have been—probably was—a prudent measure, but it seems strange that the considerations which dictated this step, should have been realized so suddenly and so late. It is a good thing in statesmanship to be wise, even at the eleventh hour, but it is still better, because a good deal more economical, to be wise in time.

A great Public Meeting to protest against the annual official exodus to Simla took place in Calcutta, during the quarter under review, and was, in our opinion, an emphatic success. It represented all the more important classes of European and Native society, excepting, of course, the official element; but it would be interesting to ascertain the real opinion of district officials—as distinguished from Secretariat officers,—on this important question. What *can* be said in favour of the system has been said with conspicuous ability in this issue of the "*Calcutta Review*" by Mr. C. J. O'Donnell, C.S., himself a district officer *employed* in the hills, and not a secretariat high official *enjoying* himself in the hills. But as we must think, the arguments on the other side of the question greatly preponderate. Too much stress has been laid on the financial aspects of the question. They are, comparatively speaking, unimportant, but in connexion with the "loss of touch" aspect of the case, there is this most serious fact to be taken into account—What do the people of the country think of this system of governing India from the hills? They think, beyond all doubt, that it argues indifference and neglect on the part of their rulers. It is commonly said that the masses of the people do not think of these matters at all. That is the impression at Simla, but in our opinion, that impression is profoundly erroneous. It has been our fortune or misfortune to have travelled, and that at a foots-pace, over a very considerable portion of the Lower Provinces of Bengal—official peregrinations which extended, not over weeks or months, but

years. The scenes of our wanderings lay far away from the high roads and railway lines of the province—in among the remote villages—among the homes and scenes of that "still Eastern life" so beautifully described by Dr. Hunter in his Annals of Rural Bengal. Well, the people may be still and quiet enough in other respects, but their tongues are not very still where politics are concerned, for I never came across keener or more intelligent village politicians. They often referred to the fact that the Burra Sahibs went to the Himalayas in the summer months, and they always seemed to think that they did so, because they, (their rulers,) did not care what happened to the country so long as they got away from the heat of the plains. "But the old Emperors did it," I once said to the guru of a patshalla in the Mymensingh district. "Yes," was the reply, "and they lost India."

In connexion with the silver controvery the great events of the Quarter have been—the appointment of a Roya Commission to inquire into the currency question and the conversion to bi-metallism of the London *Times*. The Royal Commission is, from our point of view, very happily constituted, because it contains a goodly number of sound bi-metallists, and it will go hard if they do not make their influence felt in the final decision of the Committee. The conversion of the *Times* is a sign of the times. For a long time the *Times* out-Giffened Mr. Giffen in its opposition, not only to bi-metallism, but to every proposition involving any form of change in the existing system of currency. Now it has suddenly veered round, a significant sign of the tremendous progress which bi-metallism is making in England.

GEO. A. STACK.

The 20th September 1886.

SUMMARY OF ANNUAL REPORTS.

Papers relating to the cultivation of, and trade in, Wheat in the Lower Provinces.

THE most interesting note in these papers is contained in Mr. Allen's remarks on the adulteration of wheat:—

"Similar arguments," he says, "apply to adulteration of mud, &c. These, I believe, the ryot does not add wilfully, because the bepari or petty trader to whom he sells would detect them in his small consignment and pay him an inferior price. On the other hand, the petty trader does not insist on cleaned grain, for he will not himself sell grain containing less than 5 per cent. of impurities, which, if deficient, he will add; for so long as the Calcutta merchants accept 5 per cent. as refraction, it would not pay the bepari to sell grain with only one or two per cent. of adulteration. This brings me to the real point of the whole question. It is purely a case of supply and demand. If the Calcutta merchants insisted on cleaned grain, they would get it. They do insist on clean samples in the case of linseed, and the result is, that linseed is cleaned by the actual cultivators before being sold to the petty dealers. The same result would, I believe, follow in the case of wheat. As matters now stand, wheat in Patna is freely adulterated. Ralli Brothers in Patna City deal only with the petty dealers, and these refuse to give any guarantee with the wheat sold. Each lot has to be tested both for impurities and for the percentage of red grain before the price is fixed. If the samples tested happen to be superior to the bulk, the bepari gains. If they should be inferior, the bepari can refuse to deal, and so he cannot lose either way. The cultivators never get a fair price, for the brokers and the aratdars have each to get their commissions on each transaction between the bepari and Ralli Brothers. In some marts where the grain comes chiefly from the neighbourhood, it might be possible for Ralli Brothers to deal directly with the actual cultivators; but in Patna, where the grain comes largely from Gorakpore and Fyzabad, this is impossible, and the agent for Ralli Brothers is compelled to deal with the petty dealers, whose interest it is to cheat him if they possibly can.

Report on the external trade of Bengal, Nepal, Sikkim, and Bhutan, 1885-86.

THE total value of the registered trade of Bengal with these three States during the past three years is shown below:—

		Imports into Bengal.		
		1883-84.	1884-85.	1885-86.
		Rs.	Rs.	Rs.
From Nepal	...	71,76,210	72,16,819	93,18,431
,, Sikkim	...	2,21,523	3,75,987	6,73,075
,, Bhutan	...	96,350	1,34,189	99,104
Total	...	74,94,083	77,26,995	1,00,90,670

	Exports from Bengal.		
	1883-84.	1884-85.	1885-86.
	Rs.	Rs.	Rs.
To Nepal	64,56,930	68,18,097	52,27,817
,, Sikkim	1,12,711	2,04,735	4,96,617
,, Bhutan	1,23,000	1,43,308	1,00,787
Total ...	66,92,641	71,66,140	58,25,221

The aggregate value of the registered trade with other provinces which passed through Bengal during those years was:—

Year.	Imports into other provinces from Nepal.	Exports from other provinces to Nepal.
	Rs.	Rs.
1883-84	... 1,28,423	5,56,168
1884-85	... 1,08,681	2,89,265
1885-86	... 2,49,913	2,25,991

The grand total of the import and export trade brought within the scope of registration, therefore, during the past three years was as follows:—

Year.	Imports.	Exports.	Total.
	Rs.	Rs.	Rs.
1883-84	76,22,506	72,48,809	1,48,71,315
1884-85	78,35,676	74,55,405	1,52,91,081
1885-86	1,03,40,583	60,51,212	1,63,91,795

Jails of the Punjab, 1885.

PRINCIPAL STATISTICS:—

THE total jail population during the year 1885 was 52,554. the actual number of convicts imprisoned was 16,184. while the daily average number of prisoners was 10,716. The corresponding figures for the year 1884 are 50,289. 16,155 and 11,658. The increase in the prison population is more apparent than real, and in the case of convicts is almost entirely due to the larger number transferred from one jail to another, while as regards under-trial prisoners it is partly due to the inclusion of three additional lock-ups in the returns for 1885. The total number of convicts imprisoned was 29 in excess of that for the previous year, but it is satisfactory that the daily average has for the last seven years steadily decreased. and is now lower than in any year since 1867. The number of prisoners admitted into jail under sentence of transportation for life was 112, for terms 26, total 138, or 21 fewer than in the previous year; but the number of convicts under sentence of transportation who have been detained in the Province on account of the stringent orders regarding their physical condition still continues to increase. This accumulation is, as the Inspector-General of Prisons remarks, most undesirable, especially as he is convinced that a good many of the prisoners detained are physically fit for work in the Andamans. This subject has recently been pressed upon the attention of the Government of India, under whose orders the stringency of the rules has been relaxed, and the Lieutenant-Governor hopes that in future the further accumulation of such convicts in the provincial jails will be stopped.

Civil Justice, Punjab, 1885.

PRINCIPAL STATISTICS:—

THE establishment of Revenue Courts under Chapter V of the Punjab Courts Act of 1884, and the consequent transfer to them of certain classes of suits which previously were treated as civil cases, has resulted in a considerable decrease in the number of civil institutions during the year 1885, the figures for that year and 1884 being 247,047 and 262,860, respectively. The amount of

work performed by the Revenue Courts is not known, and it is uncertain whether the total civil and revenue litigation has been more or less than in previous years, but the decrease in the number of civil suits agrees with the forecast made when the separation of the Civil and Revenue Courts was decided on. Of the total number of civil suits 87 per cent. were brought to recover money or movable property, and the average value of such suits was Rs. 59-10 11. The bulk of the litigation of the Province is therefore of the pettiest description, and it is satisfactory that a larger percentage of suits to recover money or movables is annually disposed of by the Munsiffs, leaving the superior officers leisure for more important duties. Thus, while in the year 1882 62 per cent. of such suits were decided in the Munsiffs' Courts, 68 per cent. were so decided in 1883, and 73 per cent. in the year under review.

The percentage of wholly infructuous decrees has steadily risen during the past five years, the figures being respectively 38·2, 39, 42·3, 42·9 and 45·4 per cent. during that period. No reason has been assigned for this apparently unsatisfactory state of things. Possibly the increased percentage for the year under review is mainly due to the exclusion from the Civil Courts of revenue suits in which, if the assistance of the court is invoked, the execution of the decree can hardly prove infructuous, the subject-matter being nearly always immovable property which cannot be concealed or fraudulently transferred after the determination of the suit. The Lieutenant-Governor desires that the subject may be more fully noticed in the report for next year.

Insane Asylums, Bengal, 1885.

PRINCIPAL STATISTICS :—

IN Bengal there are asylums for the reception of lunatics at Bhowanipore and Dullunda, in the suburbs of Calcutta, and at Dacca, Patna, Berhampore, and Cuttack.

On 1st January 1885 the total number of persons in the asylums was 919. During the year 214 persons were admitted and 18 were re-admitted; 93 were discharged cured, 26 were made over to the care of friends, 4 are reported to have been discharged "otherwise," and 73 died. There thus remained 955 persons at the close of the year. The daily average population was 939·62 against 920·96 in 1884. The percentage of recoveries calculated on the mean daily population was 9·89 against 9·77 in 1884.

On the 1st January 1885 there were in the asylums 363 criminal lunatics. During the year there were 93 new admissions and 11 re-admissions. Of the new admissions 27 were charged with "murder," 3 with "attempt to murder," 1 with "culpable homicide," 6 with "grievous hurt," 2 with "hurt," 7 with "attempt to commit suicide," 18 with "theft," 5 with "trespass," 3 with "arson," 5 with "house-breaking," 2 with "mischief," 1 with "trespassing on the railway," 1 with "culpable homicide not amounting to murder," 1 with "theft and voluntarily causing hurt," 1 with "robbery," 2 with "lurking house-trespass," 1 with "theft and escape," 1 with "loitering," 1 with "house-trespass or house-breaking," and 1 with "unnatural offence." During the year 50 persons were discharged and transferred, &c., 30 died, and 387 remained at the close of the year.

Inland Emigration, Bengal, 1885.

PRINCIPAL STATISTICS :—

FROM the statements given on pages 6 and 16 of the report, it appears that 16,404 coolies and their dependents were registered under the Act—little more than half the number (31,286) registered in 1884. Of the total number, 4,398 were recruited by licensed recruiters on behalf of contractors, and they were all registered for transmission through the Calcutta depôts, not one going straight to the depôts at Goalundo. No explanation is offered of this circumstance, which reference to previous reports shows to be novel; but it is probably to be found in the fact that

only emigrants to Cachar and Sylhet proceed direct to the Goalundo depôts, and there was a considerable falling off in Cachar and Sylhet shipments. The rest of the registered emigrants (including dependents), 12,006 were recruited by garden sardars—6,297 to proceed *viâ* Dhubri, and 5,709 *viâ* Goalundo. Dr. Grant, in comparing the numbers recruited by the two kinds of agencies respectively, excludes sardari emigrants proceeding direct *viâ* Dhubri, perhaps because this route has been practically abandoned by contractors, only 16 coolies recruited by them being sent this way during 1885. The figures given by him for the last five years are as follow :—

Year.	Contractors' coolies.	Sardars' coolies.	Total.	Percentage of Sardars' to Contractors' coolies.
1881	6,415	2,379	8,794	37.0
1882	7,995	2,907	10,902	36·3
1883	9,875	5,291	15,167	53·5*
1884	7,081	10,235	17,316	144·5*
1885	4,398	5,709	10,107	129·8*

Calcutta Police, 1885.

The following comparative table shows the total number of cognizable and non-cognizable cases reported in the Town and Suburbs of Calcutta during the year 1885 and two preceding years :—

		1883.	1884.	1885.
Cognizable ...	Penal Code	4,546	4,638	4,132
	Miscellaneous	12,999	16,010	13,948
Non-cognizable ...	Penal Code	11,523	12,248	9,692
	Miscellaneous	15,114	18,692	19,999
	Total ...	44,182	51,588	47,771

The decrease occurred mainly under the heads of street offences and public nuisances, but there was a substantial decrease of 506 cognizable offences under the Penal Code, the number of thefts being 242 less than in the previous year.

The number of persons arrested and summoned fell from 54,888 in 1884 to 46,781 in 1885, the number being more than a thousand less than in 1883. The number of persons convicted was 39,000, being 84·64 per cent. of those arrested against 47,391 persons convicted in 1884, being 86·34 per cent. of those arrested. This decrease of 1·70 per cent. in 1885 occurred, however, wholly in non-cognizable crime, and chiefly in conservancy prosecutions. The ratio of convictions to arrests for cognizable offences under the Penal Code was 65 in 1885, against 58 in 1884. These cases form the criterion of good police administration, and the Commissioner and Deputy Commissioner of Police are to be congratulated on the improvement. Out of 11,921 persons convicted of offences, cognizable and non cognizable, under the Penal Code, 6,371 were Mahomedans, 4,125 Hindus, 404 Christians, 18 Jains and Buddhists, and 3 Jews.

Indian Trade and Exchange.

MR. O'CONOR thus sums up his views on the burning commercial question of the moment the alleged increased stimulus to trade, owing to a low exchange.

SUMMARY.

22. To summarise now the foregoing paragraphs, it has been shewn :—

(1) That exports could not be increased from any cause, increased indebtedness excepted, without *pro tanto* increasing the imports. The admission, therefore, by some of the advocates of a low rate of exchange that such low rate of exchange may restrict imports while stimulating exports refutes their argument, for such restriction of imports and expansion of exports could not co-exist except as a consequence of the country increasing its indebtedness to other countries.

(2) That, in fact, exchange cannot have had the effect of restricting imports ; for the prices of our principal imports have been much lower in India during the last five years than they were in 1873.

(3) That, in fact, exchange cannot have had the effect of stimulating the export trade, because the prices of almost all Indian produce in the European markets have fallen in much greater ratio than the rate of exchange, and the whole advantage resulting from a low exchange has been neutralised ; a balance of disadvantage being left against the exporter, prices paid at ports of shipment in India for produce not having fallen in the same proportion as in Europe.

(4) That, in fact, looking at the returns of trade, the export trade has not thriven so well during the last three years, with an unprecedented fall in exchange, as in former periods, although in this period there have been good seasons and generally abundant harvests in India, while in former periods trade has had to struggle under the difficulties caused by bad seasons and by war.

(5) That the causes why the trade of India has not been attended by depression quite equal to that experienced in most other countries are these :—

(*a*) that prices of Indian exports at the ports of shipment have not fallen in anything like the ratio of the fall in the consuming markets ;

(*b*) that rates of transport by rail and sea have been materially lowered during the last few years ;

(*c*) that railway extensions in the last twelve years, and the complete linking of the main lines with the ports, have assured cultivators over at least 100,000 square miles of India (one-tenth of the area of the Indian continent) of an external market for their produce, and have thus stimulated production ;

(*d*) that the low rate of exchange has counterbalanced to the extent of about two-thirds (roughly), the disadvantage of low prices in the consuming markets ;

(*e*) that the fall of prices for imported goods being also greater than the fall in the rate of exchange has prevented that restriction of the import trade which would inevitably have been followed by a corresponding restriction of the export trade ;

(*f*) that, speaking generally, the country has had good seasons and abundant harvests for the last five years ; and that, without an exception worth consideration, the disturbing elements of war or famine have not interfered with the progress of trade.

(6) That although it is admitted that the fall of exchange has been one of the factors in preventing great depression of trade, it must be recognised that exchange, which is a partial remedy for low prices, has proceeded from the same cause as those low prices, namely, the appreciation of gold.

(7) That it is therefore not a good argument to say that a low exchange benefits trade, seeing that it is at best only a palliative ; in other words,

that it insufficiently counteracts the injury to trade occasioned by the appreciation of gold, of which a low exchange is itself a consequence.

Simla, July 13th, 1886. J. E. O'CONOR.

Survey of India, 1884-85.

GENERAL STATISTICS :—

Triangulation.

THE work of the Secondary Triangulation Party extended over about 240 miles of coast line from near Berhampore to the mouth of the Godávari. An area of 1,240 square miles was traversed, 600 miles of which were covered with fresh triangles; the positions of 20 beacons were determined, and 4 light-houses and 83 permanent and conspicuous objects were fixed.

Topographical Surveys.

Topographical Surveys were conducted by 12 parties, of which four were employed in Bombay, and one each in the Andaman Islands, Assam, Baluchistan, Central India, Mysore, Rajputana, the North-Western Provinces, and British Burma. The operations generally were continued in the same districts as in the previous year, the only changes being the suspension of topographical operations in the Aligarh District of the North-Western Provinces, the party being transferred for revenue work elsewhere, and the introduction of topographical survey into the Shwegyin District in British Burma when cadastral operations came to an end.

Andaman Islands party.

In the Andaman Islands triangulation was extended as far as the Middle Island, covering an area of 1,000 square miles, and including the station on Saddle Peak in the North Andaman Island. About 900 square miles remain to be triangulated. Surveying in detail was completed with considerable difficulty over an area of 111 square miles on the scale of 4 inches = 1 mile, and 670 square miles were surveyed on the ½ inch scale. The outturn is satisfactory, considering the difficulties which the party had to encounter, and the Governor-General in Council concurs in the Surveyor-General's opinion, that it reflects credit on Captain Hobday and the party under his orders.

Dispensaries and Charitable Institutions, North-Western Provinces and Oudh, 1885.

PRINCIPAL STATISTICS :—

ON a comparison of the statistics of the year with those of 1884, and with the average of the preceding 14 years, it appears that the classes of diseases in which the increase was most noticeable, were the following :—

	Average of 14 years.	1884.	1885.	Percentage of increase on average of 14 years.
Fever	208,585	290,505	362,823	74
Rheumatism	70,339	87,419	91,526	30
Ophthalmia	61,446	95,427	103,213	68
Respiratory affections	77,373	117,084	121,713	57
Dysentery	32,415	42,996	49,140	51
Abscesses, &c.	36,408	74,699	79,049	117
Skin-diseases	222,049	310,370	301,873	36
Other local diseases	198,757	329,547	371,041	86
Injuries	44,293	51,882	56,963	29

It is a little remarkable that the great increase in cases of fever and skin-disease is not reflected in the return of house patients; though the total number in receipt of in-door relief rose from 44,201 to 47,127, or by 6·6 per cent. The available accommodation was in most hospitals fully utilised, and in many was inadequate to meet the demands on it. In only a few cases, as in Mirzapur, Bijnor, Orai, and Kheri, was it in excess of the requirements. Of the patients treated, 27,500 are reported to have been cured, and 8,300 relieved; while 2,760, or 5 8 per cent. of the whole, died. The death-rate was fortunately well below that of the previous year.

Calcutta Court of Small Causes, 1885.

PRINCIPAL STATISTICS :—

THE following statement shows the number of suits which came before the Court, and the manner in which they were disposed of during 1885 and the two preceding years :—

	1885.	1884.	1883.
Pending from the previous year	2,664	1,801	1,557
Instituted during the year	30,644	31,074	26,027
Revived during the year under Sections 99, 103, 108 or 371, Code of Civil Procedure ...	358		
Total ...	33,666	32.875	27,584
Decreed in favour of plaintiff after contest ...	4.003	4,076	3,859
Ditto ditto without contest ...	10.273	9,450	7,478
Dismissed after trial	1.202	1,312	1,352
Non suited or withdrawn	743	816	920
Compromised	1,0796	11.492	9.599
Dismissed for default of plaintiff ...	3.283	2,995	2,514
Ditto uncontested	73	70	61
Pending at the close of the year ...	3,291	2.664	1,801
Total ...	33,664	32.875	27.584

The discrepancy of two cases between the total number for disposal in 1885 and the number disposed of during, and left pending at the close of, that year is due to the transfer of two cases to the High Court before final disposal. The number of suits instituted and revived during 1885 was less by 72 than the number instituted in the preceding year, but exceeded by 4.975 the number instituted in 1883, and by 1,449 the institutions in 1882. The institutions are still 3,106 fewer than in 1881, the last complete year during which the former Act was in force; but, as was explained by the Judges in their Report for 1884, although, as regards suits alone, the numbers are not so great as they were prior to the extension of the Court's jurisdiction by the passing of Act XV of 1882, yet the work of the Court has actually been largely increased in consequence of the alteration of procedure, whilst the new procedure has given rise to a variety of miscellaneous applications that did not before exist, and the disposal of which occupies much of the time of the Judges.

CRITICAL NOTICES.

GENERAL LITERATURE.

Imperial Review, July 1886. Melbourne: Alex. M'Kinley & Co.

A CAPITAL number of this spirited publication. The contents are very varied, and some of them are most interesting. The article on the present state of our Navy deserves attention. The writer says:—

Incertitude in naval construction is shown by the variety of types in the British Navy. This is from the anxiety to be ready for everything. Every idea of Reed and Burnaby, grounded upon a close watching of all that other powers are doing, has found an embodiment. While jealousy is always commendable under such circumstances, it is folly to suppose that England can monopolise the world, and if we take Fiji, surely it is futile to begrudge Samoa to the Germans, and the New Hebrides to France. The United States, however, mean to have a say in such affairs, and we notice that John Roach's American built ironclad, the *Dolphin* after much abuse, has been vindicated in a most stormy and trying experimental passage, through the furies of wind and waves at Cape Hatteras.

While France is so active in ship building, Germany has almost held its hand of late years. She perceives that the torpedo renders her navally impregnable. The French Fleet was useless in the war of 1870, as the Turkish Fleet was in the last war with Russia, and as the English Fleet would be in a war with Germany. The German Fleet, though, is wonderfully compact, and all the sailors get two years' experience in a trip round the World usually including a glance at the Australian Ports.

The torpedo strikes terror into the stoutest heart. The sailor of the *Colossus*, the *Devastation*, or the *Thunderer* reflects that this comparatively tiny demon may blow him sky high. Where is valour, the traditional pluck of the British Tar, in presence of a danger comparable to that of the yawning Earthquake, while the solid globe rends, engulfing a city? The oldest residents in cities subject to earthquakes are more affected by the tremor than is a casual visitor, for the nerves do not become strengthened, but depraved, by habit, and so will it be with the brave sailor exposed continually to the fear of the Torpedo.

Warfare at sea appears to have changed as entirely as that on land. The old style insisted on the maxim in getting to windward, and standing on and off at pleasure from the enemy, but of course that is done for under steam. We can expect little more practice of Nelson's maxim, "Yard-Arm and Yard-Arm," but perhaps we are wrong, for the worst land battles of the American Civil War, the Franco-German War, and the Russo-Turkish War were deadly close grapples. The bayonet appears to be more severely tested than ever, and Arabs do not run away at the sight of a British one, with the overpowering moral effect of Brummagem. We saw a plate of pocket-knives in a shop-window, jocosely labelled, "Only Threepence each—warranted to cut Butter."

The bombardment of Alexandria gave evidence of the terrific range of modern projectiles, the 82-ton gunshot of the *Inflexible* being found six miles off the vessel. In the recent war between Chili and Peru we are struck with the incident of the Chilian gun-boat standing off a well fortified town, and peppering at pleasure, through the superior range of its single gun, which enabled it to do any amount of damage, while the shots from the town all fell helplessly short.

Army and Navy Magazine, July 1886. London. W. H. Allen & Co., 13, Waterloo Place.

THE most valuable and interesting article in this number is from the pen of Captain Maude, R. E. He discusses the attack formation for infantry and sums up as follows :—

. The idea of drilling men like machines can no longer be entertained ; neither can we meet the difficulty by reverting to the old distinctions between troops of the line and light infantry. We can only succeed by teaching the men in the schoolroom the conditions on which success depends, and then by impressing it on them by making a sharp distinction on the parade-ground between the two methods. It is in this point that our drill regulations principally fail.

The attempt to adapt the old skirmishing drill of the peninsula to the modern attack formation necessarity failed, for it was an effort to reconcile two totally opposite conditions, and it struck at discipline precisely where it was most important. The object in view in drilling men is not merely to ensure the execution of certain formal movements on parade under favourable conditions, but to give them true discipline, *viz.*, the spirit to face heavy loss without flinching—the one thing, in fact, which constitutes the superiority of a body of soldiers over an armed rabble.

But our practice in peace practically ignores this, for it sanctions the relaxation of discipline at the very moment when, on the battle-field, the necessity of it is most felt. On the caution to extend for attack, the officers return swords, the men stand at ease without word of command, and henceforth the movements are made without attention to either step, dressing (or even silence sometimes) ; in fact, the whole thing bears the stamp of slackness upon it.

In Germany, on the other hand, the practice is exactly reversed ; when the signal to advance to the attack is given, all troops behind the fighting-line are called to attention, and the advance is made "in Parade Schritt," with drums beating and colours flying.*

This may be considered as going too far in the opposite direction ; but the principle is undeniably sound, *viz.*, of fixing the men's attention by compelling them to attempt a difficult thing, so that their minds are not so open to receive other impressions ; it is by no means an unheard-of expedient, for steadying wavering troops, to halt them under fire and put them through the manual ; and the idea, in both cases, is the same.

There is in fact, a close analogy between drill and mesmerism ; in both cases the patients resign their wills into the hand of the operator, and in both cases, ultimately, the will of the operator or commander becomes stronger than the natural disinclination of the subjects to do what is required of them.

This explains why men will always drill better under an officer whom they feel is in earnest than for one whom they know to be taking no interest in it.

A horse is, in fact, even more susceptible of discipline than a man ; for though naturally far more timid than man, when once thoroughly trained, even when deprived of his rider, he will keep his place in the ranks, in spite of the dangers which surround him.

It is this that renders steady drill all important, as it enables us to overcome the natural instinct of self-preservation, and makes it easier for men to obey the will of another than to make up their minds to run away.

The necessity of such drill is greater now, perhaps, than at any former time ; for the mental strain occasioned by a breech-loading fire is far heavier and of longer duration than that produced by the muzzle-loader.

* Till quite recently, with fixed bayonets as well ; but I believe that order has since been cancelled, though it still has many supporters. The fixed bayonet was the outward visible sign of the inward determination to come to close quarters. It is true that it interfered with the accuracy of the shooting ; but as that was always out of the question in the excitement of the decision, the loss was not serious. But if the bayonet was fixed on the rifle in the sensible manner adopted by the Turks, *viz.*, under, not on one side of, the barrel, the shooting would be absolutely improved, for the weight of the bayonet corrects the tendency of excited men to fire high. In fact, the Turkish rifle with fixed bayonet comes up to the shoulder so readily, that one might snap shoot with it just as well as with a shot gun.

At this point the opinion of those officers, whether French, German, Austrian, or Russian, who have fought against both is unanimous; and since we ourselves have never had to fight a battle against well-trained troops armed with breech-loaders, we must of necessity be guided in this matter by those who have.

If, then, in the days of Brown Bess, the utmost discipline was considered necessary to enable a line to advance through a zone of fire barely 150 paces in depth, how much more, therefore, is it now required, when the new arms have multiplied this zone of danger by ten!

Troops no longer fight in line, it is true; but, to bring them up to the shooting line, they must all pass over a fire-swept space, either in line or in a formation in which the maintenance of discipline is even more requisite, and at the same time more difficult.

The changes we require are simple. Drill must cease to be looked on merely as a means of securing a good march past;* but it must be fully recognized as the method by which men are enabled to conquer their natural aversion to danger; and to mark this idea the utmost smartness should be insisted on in the attack.

Hardly more than a word requires to be altered in the drill-book, though the spirit in which it is interpreted must be changed. But to grasp the spirit is just the difficulty, for it is entirely opposed to the tactical teaching which the bulk of the army has been compelled to absorb in the struggle of its members for promotion.

We have been examined in minor tactics till our intellects appear to have become dwarfed and our judgment distorted. "We cannot see the wood for the trees." No doubt the knowledge we have thus acquired may prove most useful when applied in its proper place; but its proper place is not the battle-field, and it is only on battle-fields that the fate of an Empire can be decided.

Hydrophobia and M. Pasteur. By Dr. Vincent Richards, F.R.C.S.E. Calcutta: Thacker, Spink & Co.

DR. RICHARDS is a sturdy sceptic as regards the efficacy of Pasteur's treatment for hydrophobia, and he subjects his scientific theories to a very searching analysis. He takes, by way of illustration, some of Pasteur's "Crucial Cases," and points out with great force the flaws in the chain of Pasteur's evidence. Thus, for example, dealing with the celebrated case of the 8th of July, that of Joseph Meister, aged 9, bitten by a dog on July 4th, at 8 P. M., Dr. Richards says:—

The bites were numerous and severe. The principal ones were cauterized the same day with carbolic acid. On the 8th of July, at 8 P.M., M. Pasteur, in the presence of MM. Vulpian and Grancher, inoculated half a syringeful (Privaz) of bouillon, containing a fragment of a spinal cord of a rabbit dead from hydrophobia on June the 21st; and, from the 6th of July, thirteen injections in all were made, each day a fresher cord being used. It was subsequently discovered that the cords used between the 6th and 10th of July were non-virulent, and although it is said that the cords used on the 11th, 12th, 14th and 16th were all virulent and increasingly so, nothing is said about that which was used on the 13th. I will not now stop to enquire whether the circumstance that more than half of the cords used for protective purposes were subsequently discovered to be perfectly inert is one which is calculated to afford additional confidence either in the value of the material used, or in the precision which has been claimed for the operation; but will proceed to discuss the evidence on which Pasteur relies in confirmation of his theory, for I regret to say that I can call it nothing more substantial. The points relied upon are two: (*a*) That at the *post mortem* examination of the body of the dog which inflicted the bite, the stomach was found to contain

† But a good march past will be the inevitable result of steady drill.

"hay, straw, and bits of wood," and therefore it is concluded that the animal was rabid. *(b)* That Drs. Vulpian and Grancher, who were called by M. Pasteur to see the boy, said, he was "almost inevitably exposed to contract hydrophobia *in consequence of the severity and the number of his bites.*"

First as regards the dog. Is the presence in the stomach of "hay, straw, and bits of wood" any evidence whatever of hydrophobia? While it is true that dogs suffering from hydrophobia sometimes have perverted appetites, so have dogs which are merely half-starved. The contents of the stomach of a dog are no more diagnostic of hydrophobia than is the chlorotic girl's depraved appetite for slate-pencil and cinders indicative of insanity. In the absence, therefore, of any other facts indicating rabies, this fact, on which such importance has been placed, simply counts for nothing. But supposing even that the dog was suffering from hydrophobia, the boy's escape is explainable on other grounds than those set forth by M. Pasteur. We have already seen that the risk of infection from the bites of a rabid animal is, under ordinary circumstances, only one in four.

Secondly, as regards the boy, on what grounds is the supposition based that he would have been the victim of hydrophobia but for the treatment? The two medical men who saw the patient say that he was "*almost*" (the italics are mine) "inevitably exposed to the disease." Why? Because of "*the severity and the number of his bites.*" Ignoring altogether the important qualification "almost," which really destroys the value of the case scientifically, the severity and the number of the bites constitute a condition which possesses no diagnostic signification whatever, and it is somewhat remarkable that M. Pasteur should produce this evidence in favour of his treatment, when, as we shall see hereafter, he subsequently relies on that very condition as explaining the unfavourable termination of a case of wolf-bite.

The National Review, August 1886. London: W. H. Allen & Co., 13, Waterloo Place, S. W.

IN the "National Review" for August, there is a most interesting and discriminating criticism of Miss Ellen Terry's acting from the pen of Mr. William Archer:—

Miss Ellen Terry is endowed with something of the exotic witchery of Madame Bernhardt. A delicately sensitive face framed in an aureole of flaxen-tawny hair, mysterious grey-blue eyes of the kind which seem to float in limpid never-dried tears, a tall and commanding yet lissome and willowy frame; these are the peculiar gifts which so strongly fascinate so large a circle of devotees. Her dramatic instinct, too, is very considerable. She shines most of all in eighteenth-century characters, such as Mabel Vane, Laetitia Hardy, and Olivia; but in the passive pathos of Desdemona, in the playful sentiment of viola, in Margaret's madness, and in Iolanthe's* wistful helplessness she proved her intelligence, refinement, power, and originality. Yet so gravely does Miss Terry's lack of training interfere with her "administration," as Mr. Arnold puts it, "of her charming gifts," that even in her best performances there are passages in which she descends to the level of the graceful amateur, while her "worser parts" are very painful. She, like Madame Bernhardt, eks out her genius with artifice; but her artifices are home-made, naive, and monotonous. One could, without much difficulty, make an exhaustive catalogue of Miss Terry's attitudes, and illustrate it, like a manual of fencing or gymnastics, with a series of diagrams, so that whose reads may pose. And these attitudes, graceful as they are for the most part, have not even the external semblance of spontaneity. Like Beau Brummel with his necktie, she evidently gives her whole mind to them, diverting it from the business of the play, and the words she is speaking. As to her voice, one scarcely remembers what was its original quality, so rapidly did it deteriorate after being put to the strain of the "legitimate" drama. Training would have enabled it to resist this strain; untrained, it succumbed, and is now, I fear, irrecoverable. Even when Miss Terry is in perfect health it is woolly and veiled; a little cold or fatigue makes it hoarse to the verge of

* In Mr. Wills' adaptation of Herz's *King René's Daughter*.

painfulness. In the expression of vehement and "word-rich" emotion (to use a Germanism for which we have no exact equivalent) Miss Terry is utterly at sea. It is doubtful whether any actress of the first rank ever made such wonderful and woeful blunders as her Pauline and her Juliet. Their utter inadequacy was due in part, but only in part, to the final and most fatal disability in which her lack of training has involved Miss Terry. She shares it indeed, with almost all the leading actors and actresses of the day, but in her it is somehow obtrusively noticeable and disturbing—I mean, of course, her inability to speak verse. A teacher of elocution might find in her an accomplished model of how *not* to do it. To say nothing of such higher matters as the art of giving to a blank-verse period its due structural or architectural value—an art of which scarcely anyone now dreams for a moment—Miss Terry has not the most elementary idea of giving grace or beauty even to the individual verses she utters. She jogs through them like a schoolboy repeating his task, emphasising all the monosyllables, throwing the prepositions and conjunctions into high relief, and even—I have seen this frequently—beating time with a see-saw motion of her hands to the 'very false gallop" of the jolting iambics. And this is the Ophelia, the Juliet, the Beatrice, the Portia of our day! In all her poetical parts we fell and deplore this terrible deficiency, but in these it is positively torturing. The public, I shall be told, clearly does not find it so; but that is because the public has been so long at the mercy of self-trained actors and actresses as to have forgotten the fact that there is any specific beauty in Shakespeare's verse.

Compendium of Oudh Talukdari Law. By John Gaskell Walter Sykes, L.L.B. London: Thacker, Spink & Co., Calcutta.

THIS is an admirable compendium of the proclamations, enactments and regulations relating to a most important branch of Indian law. The arrangement is clear, simple and consecutive, and the selections have been made with such judgment, and are so carefully explained and elucidated by the editor, that nothing essential to a thorough and accurate understanding of this form of zemindari tenancy in Oudh has been omitted. In the introduction to the compendium Mr. Sykes gives us a comparative and historical sketch of the Oudh talukdari system which, in addition to being admirably executed from a literary point of view, is full of valuable information (derived from original sources) relating to the subject which it treats of.

"*The History of India as told by its own Historians.*" *The Local Muhammadan Dynasties, Gujarat.* By the Late Sir Edward Clive Bayley, K.C.S.I., Partially based on a Translation by the late Professor John Dowson. Published under the patronage of H. M.'s Secretary of State for India. Forming a Sequel to Sir H. M. Elliot's History of the Muhammadan Empire of India, London: W. H. Allen and Co., 13, Waterloo Place, Pall Mall, S. W. Publishers to the India Office, 1886.

THE book comes before the public like an isolated volume, and as such we take it up. We take up so many volumes now-a-days only to lay them gently down again, that

it is a comfort to get a book which a body may safely take to be of interest:

It is really Vol. IX of the "History of India as told by its own Historians," and is by the late Sir E. C. Bayley, K. C. S. I., but "partially based on a translation by the late Professor John. Dowson," "forming a sequel to Sir H. M. Elliot's History of the Muhammadan Empire of India."

There is almost enough on the title-page to keep off readers who are not in earnest! We learn from the preface that a grant-in-aid had been allowed by the Secretary of State to the present work. The subject of the book is the Dynasty of Gujarat, founded on the "Mirat-i-Sikandari." The translation was finished and nearly printed when Professor Dowson died, and Bayley was asked to complete the work; which is now submitted to the public on the Editor's responsibility. He, alas, is also gone. "H. Y." writes a kindly little notice of Sir Edward, and tells how the old Principal of Haileybury used to say that the character of Edward Bayley was the only thing which had ever caused in his mind a doubt about the doctrine of original sin. A further tribute to his memory is reprinted from the "Mahomedan Observer and Guide," May 17th, 1884.

This History of Gujarat is of the first value, as it is from the hands of those who were conversant with the literature, manners and customs of the people of Gujarat. Illustrative and parallel notes are copious, and enable the reader to judge between one writer's story and another's.

Of the 455 pages, divided into thirteen chapters, there are 23 in the Introduction, which explains much of the History and of Gujarat, and has many statistics and figures about it in A. D 1571 and 1578.

The time embraced by the History is from A. D. 747 to 1553. The Early History is sketched up to A. D. 1351, whence the "Mirat-i-Sikandari" is allowed to tell its own tale. A summary of the pre-Mahomedan history is promised in the Appendix to Vol. II, but this volume is not otherwise called Vol. I, although "Book I" is printed over chapter I.

A little more care in arrangement at the beginning of the book would have looked better.

From the "Mirat-i-Ahmadi" we learn that Gujarat was one of the finest provinces in Hindustan, and the people witty, graceful, good looking and pleasant to talk to.

The sandy soil produces grain of all kinds in abundance, but *bajri* is the staple. We may note, by the way, that *bajri* in good soil will produce hundred-fold and give two crops in the year, while one grain of rice, or rather one year has been known to produce 300 grains,—but this was Carolina paddy. *Bajri* was the chief food of man and horse in Kuchh. Rice

was grown in abundance and fences of prickly pear. There were many minimum sops and other trees, "some which bear fruit and others which do not," melons and guavas most excellent, gourds and water-melons twice a year, and odoriferous plants, fruits and herbs. There were tiled houses of stone or of burnt brick and teak timber.

"The Kuchh horses are active and swift" and as good as the Arabian. "Gujarati oxen are good draught cattle and good milkers"! The rarest falcons are there to be had, and there were elephants formerly in Rajpipla and Dopad. Other products are swords, arrow-reeds, rings, rosaries, cups, knife and dagger handles, &c., of coloured agate; combs, &c., of ivory; cloths as good as those of any foreign countries; salt from pans or by boiling the grass called *morand*, &c.; and the "customs levied on it add largely to the revenue of the perganah." Paper of different sorts was made in Ahmadabad and exported. Of woods, teak and Bombay blackwood. A famous calcareous standstone *pathali* was quarried and used for building and to furnish lime, and was carried in the reign of the Emperor Shah Jehan to build Shahjehanabad. These are some of the things that unequalled Gujarat produces. Then there are rivers, channels and tanks and reservoirs without number, but the well water is brackish.

Finally, order was maintained "by 5,000 horse who go out with the Nizam at harvest time," in addition to the local forces of the faujdars and thanadhars who had police and criminal jurisdiction. Of these officials there were 252 stations with 203 forts of stone and brick, besides others built since.

The revenue was Rupees 1,23,56,000
The expenditure „ 1,00,00,000,

besides tribute to the Imperial throne and to the *Nazims*.

Sultan Muzaffar was the first who reigned during the period of this history. He was appointed by Sultan Muhamad of Delhi, to chastise the rebel Nizam Mufarrah Khan of Gujarat (A. D. 1391). He was then plain Zafar Khan. The Sultan gave Zafar a scarlet tent equipage, "the appanage of a dignitary." Zafar marched to Pattan (which is near the south point of Gujarat) with some ten or twelve thousand men and overthrew and slew the rebel Mufarrah. His Majesty Muhamad of Delhi indited with his own hand "in his great condescension" the despatch that was sent to the victorious Khan. Zafar thereafter established himself in Gujarat and "brought down the presumption of the infidel," on all hands.

At length, in A. D. 1407, after Sultan Muhamad of Delhi had died, "the victorious raised the umbrella of Zafar Khan's royalty, and took to himself the title of Mozaffar Shah at Birpur.

Before this, in A. D. 1403, his son Tatar Khan appears to have shut up his father or induced him to abdicate in his

favour, and then after making war upon the infidels of Nadot to have marched a large army towards Delhi. This ambitious youth then suddenly died, by poison it is said, and given at his father's instigation. The Sultan named Ahmad Khan, son of Tatar, as his successor, and trained him for the royal office.

Ahmad Khan, sent out to punish the Kolis of Asawal, collected in his camp those learned in the law and put to them the question: "If one person kills the father of another "unjustly, ought the son of the murdered man to exact re-"taliation? Every one answered 'yes,' and they gave their "formal opinion. Ahmad Khan took the paper and kept it "by him. Next day he went into the city, made the Sultan "prisoner and poisoned him" (A. D. 1410). Another account makes Muzaffar die of the disease which had made him abdicate in favour of his son Tatar.

Mozaffur Shah "is shown" by the historian "as a good soldier "and a fairs pecimen of the administering Mahomedan noble-man "of his day, loyal and brave, without any far-reaching ambition, "and becoming practically independent by sheer force of "circumstances long before he assumed the titles of Sovereignty."

The next monarch of Gujarat is Ahmad Shah, the virtual founder of the capital (Ahmadabad on the river Saburmuttee), and of the kingdom of Gujarat. "He ruled firmly and well, "although his life is said to have been always embittered by "remorse for the one great crime of his early life." He does not seem to have died a violent death (A. D. 1441).

Nine more Sultans reign in this history, which closes in A. D. 1553, of whom it is unnecessary to speak further here.

Nor shall we now allude to the different manuscripts and translations. A full Index occupies 63 pages, and a good map is furnished.

The book, the printing of which is excellent and nobly spaced, is bound in the useful and lasting old fashion and not hung together with soda-water wire which rusts and eats through the palm to the distress of all true lovers of books.

The Imperial Gazetteer of India. By W. W. Hunter, C.S., C.S.I., C.I.E. London: Trübner & Co.

DR. HUNTER'S great work, the new edition of the "Imperial Gazetteer of India," reaches us just at the moment of going to press, and, therefore, too late for anything like a detailed or adequate notice in this issue of the "Calcutta Review." The newer features of the publication will be noticed in our next issue. It appears to have been to some considerable extent re-written, and it is evident that nothing has been omitted, which added research and the most careful revision and examination could effect, to bring this truly Imperial work up to date.

VERNACULAR LITERATURE.

Lakshmanár Swayambar Natak. By Kunjabihári Chaudhuri. Printed By Jayagopal Ghosal, at the Aruna Press, Bakulbagan, Bhowanipore. 1292 B. S.

WE know not what to say of this work and its author. As a drama, which it professes to be, it is not worth the name. And the very fact that the author believes this to be a drama, is a proof that he is, in no sense of the words, *a literary man.* But though without dramatic characteristics, we have a right to find ordinary human intelligence in this book, as indeed we have a right to find it in every book that is written or published. It is noteworthy, however, that there is in it a strange lack of even ordinary human intelligence. Lakshmaná is the daughter of King Duryodhan, the eldest of the Kauravas. She has passed her childhood, and is now pretty far advanced in youth. Her father, however, has not seen her since she was a child, and he does not know that she is now a grown up girl! Her mother also thinks every day of speaking to her husband about her marriage, but forgets every day to do so! Duryodhan says:—

লক্ষণা নামেতে কন্যা আছে মোর ঘরে,
যুবতী হয়েছে সুতা, কিছু নাহি জানি।
বাল্যকালে একবার দেখিছি তাহারে,
তদবধি বহুকাল কিছু মনে নাই।

I have a daughter named Lakshmaná in my house, and I know not that she is now a grown up girl. I saw her once when she was a child, and I have no recollection of her for a long time since.

Is all this possible? A father sees his daughter only once in 18 or 20 years, and does not even know at any other time that he *has* a daughter. And then, as if all this is in the natural course of things, when his wife expostulates with him for keeping his daughter so long unmarried, he says, that for this not he but his wife is to blame.

সকলি তোমারি দোষ, মোর কিছু নয়,
অকারণে বৃথা মোরে কর তিরস্কার।

The whole blame is yours, mine nothing. Unjustly you rebuke me.

Yes, it is no part of a father's business to look after his children! The one person responsible for the happiness and misery of children, is the mother!

আর ত কখন, প্রিয়ে! বলনি এ কথা
তাহলে কি লক্ষণার হইতনা বিয়ে?

Never before, beloved, did you mention this to me. Had you done so, would Lákshmaná have remained unmarried?

But, practically, it is not even the mother's business to look after the children. Lakshmaná is wasting away for want of a young over. One of her handmaids comes to her mother and tells her that she (Lakshmaná) is sick in mind and not in body. The simple matron knows not what mental sickness is. She exclaims wonderingly :—

মানসিক রোগ কিগো! সরলা সুন্দরি?
বুঝিতে নারিনু আমি বক্রভাব তোর।

Oh! Saralá, what do you mean by mental sickness? I understand not your tortuous speech.

Saralá has, of course, to make a speech in reply, in which she talks of tears, fasts, moods of silence, sleepless nights, the all-consuming fire of youth, the pangs of the flesh, and all the other symptoms of love-sickness. The speech, as the reader can well imagine, is flat and foolish enough, and the simple matron—the mother of the disconsolate girl—gives it folly's finishing touch by exclaiming—

ধিক্ রে জীবনে মোর, মুণ্ডে পড়ুক্ বাজ!
প্রতি দিন মনে করি বলিব রাজায়,
এলে, তিনি, পোড়া মনে নাহি রহে কিছু!

Fie on my life! Heaven's thunderbolt on my head! Every day I think of speaking to the king; but when he comes, this cursed mind forgets everything!

Verily, this could not be if the old matron had not a young lover. Verily, mother and daughter are equally lost in love-sickness. But the author, we are sure, does not see the beauty of all this. He has bound himself by oath to be an author; and so he must write—sense or nonsense, is no question at all.

But there is more beauty in this drama of dramas. Having non-plussed the queen by clearing himself of all blame, and laying it *en masse* upon the head of his 'beloved,' the king comes out of the harem, and taking his seat among his councillors tells them the tale of Lakshmaná's situation and blames himself for it.

পিতার উচিত কার্য্য না করিনু আমি,
সেই হেতু মর্ম্মে ব্যথা হইয়াছে মোর!

I have not done a father's duty, and I am therefore pained in my heart!

Now one man, and the next moment another! Has not the author sense enough to understand the mess he has made of his story? And what a mess within the first 7 or 8 pages only! There is a singular want of ordinary human intelligence,

of the intelligence that barely differentiates men from the lower animals, in the book before us. And yet the book is written! And many books, like this book, are written! When will such authorship cease? Will not authors of this class open their eyes and see what they are? We earnestly request them, if they would be true and if they would do good to themselves, if not to anybody or anything else, to look within themselves, and not to strive to be authors until they find there is something that really entitles a man to be a public instructor.

Adarsa-charit. Krishnamohan. By Durgádás Láhiri. Printed by Binodbihári Ráya, at the Sadhan Press, 148, Maniktala Street, and Published by Gurudas Chattopadhyaya, at the Bengal Medical Library, 201, Cornwallis Street, Calcutta, 1292 B. S.

THIS is a memoir of the late Dr. K. M. Banerji. Taken by himself Dr. K. M. Banerji was a superior man, and as a Bengali of the modern degenerate days, he was a great man. So he was in every respect a man of whom there should be a memoir. We are therefore glad that Mr. Lahiri has given us a memoir of him. We should have been more glad, however, if the memoir had been written in a simpler and unbombastic style. Mr. Lahiri speaks of Dr. Banerji's birth in the following manner:—

"With the eighteenth century the vast Musulman influence in India disappeared; Maharastra glory having burned brightly, was extinguished in a moment like lightning; and British prowess, like slowly extending fire, was felt far and wide. Gradually, the infancy of the nineteenth century passed away and its boyhood arrived. British power in India attained also the fulness of youth. At this time, in Bechu Chatterji's Street and in Ramjaya's house, the great Krishna Mohan was born. He was born in the month of Baiṣakh of the Christian year 1813 (1221 B. S.). In that year 1813, the then Governor-General of India, Lord Minto, left India; at that time our Sovereign George III was engaged in war with Napoleon Bonaparte in the Spanish Peninsula; at that time all Europe was in the throes of that Peninsular War; and in that same Christian year, pointing to Time's wondrous course, did the great Napoleon Buonaparte say—'That Europe which was but two days before my friend and ally, is to-day in the wondrous course of time up in arms as my enemy." In this unpeaceful chapter of Time, in this strange period of history, mother India enjoyed peace for a time by obtaining one jewel. That jewel was this Krishna."

It is impossible, we had better say, it is unnecessary to characterise this writing in terms which would adequately indicate its nature. Whoever reads it will be shocked by its enormity. But the writing is not only bad in itself; it is bad also on account of the man whose life it is employed to describe. Dr. Krishna Mohan was anything but fussy, noisy or ostentatious. He was a charmingly quiet, simple and unobtrusive man. He was meek and gentle beyond description. The memoir of such a man should have been written in a simple and unostentatious style, and not in a blustering and bombastic spirit. There should be always a real mental and moral sympathy between the biographer and the subject of the biography. And that is the best and most edifying biography in which the spirit of the biographer is found to be in perfect harmony with the spirit of the man whose memoir he writes. Where such harmony is not, we understand nothing, and we feel ourselves thrown into a tumult which produces only distraction and disgust, and which not only keeps the subject of the memoir far out of sight, but often presents him in a seriously distorted form. This spiritual harmony is perhaps the most important qualification of a biographer, and this important qualification Mr. Láhiri does not possess. His memoir of Dr. Banerji is, therefore, not a memoir at all.

Memoirs of really good and great men, if properly written, might serve an important educational purpose, by offering good models of character for the guidance of others. In this respect, Dr. Banerji's memoir, if written in a right style and spirit, might be of great use. But Mr. Láhiri's manner of writing his memoir is so bad, that no good, we are afraid, will come of it. Of Dr. Banerji's industry and capacity for work, Mr. Láhiri writes as follows:—

"Krishna Mohan's industry in youth and old age were unrivalled. He worked so hard in his old age, that he appeared to be a person not of this world. The youthful years of the people of this world are generally spent in pleasure and amusement—are given up to sensuous and voluptuous enjoyment. In old age, the people of this world are generally unwilling to work, and depend upon others. But in Krishna Mohan's life, youth and old age were of a completely different character. Industry was his only support in old age. In the morning, at noon, in the evening, at dead of night, Krishna Mohan was at all times engrossed in work. Whenever you saw Krishna Mohan, you saw him absorbed either in the contemplation of God, or engaged in doing good to his country. Whenever you heard of him, you heard of him either as a writer communicating knowledge or as a student enquiring after knowledge.

Whenever you knew of him, you knew of him either as a member of societies and associations for the public good, or as a superintendent of his own family. Indeed, work was his life; he knew nothing but work. Great men know only work. How, else, could the science of geometry be discovered by Euclid whilst imprisoned in the State jail? How, else, could Sir Walter Raleigh write his celebrated History of the World while in prison? Activity is the first condition of greatness. Who, else, could now have seen the compass and the steam-engine in the world? Who could have known Valmiki's and Vyasa's names? Who could have heard of Garibaldi and Washington?"

The wise will simply laugh at this, and the unwise will only learn to imitate the bombast. Of Dr. Banerji's industry, which the author professes to describe, the reader gets no full, clear, or impressive account. He hears only a high sounding sermon on the necessity of work. And what he is told about Dr. Banerji's industry is more likely to have a benumbing than an encouraging effect upon him. For the doctor's industry is said to have been of a superhuman nature. If so, how many men can be expected to emulate it? We all know that the doctor was a very industrious man. But to say that his industry was greater than that of this world, is to betray perfect ignorance of man's capacity for work, and to either deter men from being equally industrious, or to lead them to think that they are very industrious, when, in fact, they are not such. The author's bombastic and superlative strain has thoroughly spoiled a memoir which, if properly written, would have been very interesting and instructive.

Aryajiban arthat Hindu Achar Byabahar Prabhritir Baijnánik Byákhyán. Part I. By Gangádás Basu. Printed and Published by Girish Chandra Ghosh, at the Samya Press, 45, Benetola Lane, Pataldanga, Calcutta. 1292 B. S.

THIS book is an outcome of the movement which is now going on in Bengali society for the revival of Hinduism. An attempt is made in it to explain the meaning of the rules of the Sastras relating to the customs, usages, and every-day acts of the Hindus. Among the revivalists there is a party who think that *all* those rules are based upon scientific principles, and that every one of them should be scrupulously observed. The leader of this party is a religious preacher of the name of Sasadhar Tarkachuramani. The style in which this party argue may be gathered from the following extract from the book under notice:—

"The ancient Aryas considered it wrong for many persons to eat together or sitting in a row . . . It is impossible

to restrain laughter on hearing of such an extraordinary rule as this. But it is not altogether unscientific nor based entirely on superstition. . . . There is electricity in the human body as in other things. As electricity is evolved by friction from inanimate objects, and as it passes from one object to another which is near it, so, in consequence of increased organic activity within the human body during a meal, electricity is likely to be evolved and transmitted from one human body to another which is near it. Perhaps such induction and conduction of electricity takes place in a form so subtle, that it cannot be the subject of the perceptive faculties. But, however subtle it may be, since electricity acquires the qualities of the object in which it resides, it is not improbable that it may be the means by which the distinctive qualities of different human bodies are exchanged. If this be the case, then consider whether, if there be any contagious disease in a latent form in one man's body, it is not more likely to affect your body through the medium of electrical currents when you are eating seated close to him, or off one and the same plate, than at any other time. You are bound to admit this."

It is clear that this argument consists almost entirely of certain scientific assumptions, and no attempt is made to show that they are correct or even plausible. There may be truth in the conclusion, and it is on that very account necessary that the propositions from which it is derived should be made the subject of a careful and strictly scientific enquiry. The men who use these arguments do not, however, care to make such enquiries, and are satisfied with making only idle assumptions. The procedure is the very reverse of scientific, and shows that the men who adopt it, though they profess to be in possession of great scientific knowledge, are completely innocent of it. The writer who makes use of the argument quoted above, himself says further on, that, in most instances, contagious influences are not, as a matter of fact, transmitted in the manner described by him. But science is not science, if it does not agree with facts, and we wonder how our author, who himself considers his conclusion to be at variance with fact, still claims for it a scientific basis and a scientific character. We are afraid he and the men of his party do not even know what science is. And that is why most educated Bengalis have declared themselves against them.

These scientific expounders are also in the habit of introducing science, or what they themselves mean by science, into questions which admit of plain common-sense solutions. Take one instance. Early bathing is enjoined in the Sastras, and it is stated therein that by early bathing all sin is washed away. The author quotes this injunction, and at once begins to

rhapsodise about the absurdity of removing sin by an external act like bathing. He argues that the Hindu Sastras are incapable of committing such an absurdity. For it is the Hindu Sastras that say that vows, penances, shaving of the head, or keeping locks of matted hair thereon, &c., are of no avail where the heart is not pure. There must be, therefore, some very deep philosophy in the injunction about early bathing. "There is deep truth hidden in it; behind that apparently superstitious precept, there is some very subtle and recondite scientific principle." May or may not be. But there is no use mystifying the matter in this way, and giving it an extraordinary appearance. We all feel the exhilarating and invigorating effects of an early bath in this tropical country, and we can all understand why the Sastras are so particular about early bathing. But to refuse to accept this common-sense view of the matter, and manufacture in lieu of it a theory of unfathomable scientific wisdom, is to cover with ridicule both the Sastras and their ingenious expounders. We should warn these scientific expounders of the mischief they are doing to the great cause in which they are engaged. Their first duty should now be to bear carefully in mind that it is the reputation of the Hindu Sastras and not their own reputation that will require to be looked after for some years together.

Brahma Samajer Bartaman Abasthá eban Amar Jibane Brahma Samajer Parikshita Bisaya. By Bijaya Krishna Goswami. Printed and Published by Kartik Chandra Datta, at the Brahmo Mission Press, 50, Sitaram Ghosh's Street, Calcutta.

AS a contribution to the literature of the Brahmo Samaj, this pamphlet, though small, is undoubtedly of great value. It possesses two aspects, both important and interesting. It describes, in the first place, the religious history of the writer himself. That history is told with great candour and earnestness, and the impression it creates in the mind is, that the good Goswami is more a man of feeling than of intellect.

The history of the Brahmo Samaj, during the period that the Goswami has been connected with it, is also briefly told. There are two points of particular interest in this history. The first relates to some of the leaders of the Samaj, and notably to Keshab Chandra Sen. It appears from this pamphlet that some of the most momentous developments of Keshub Chandra's religious spirit were due to Hinduism. At page 41, we find the following statement :—

কয়েক জন ভক্ত বৈষ্ণব মুঙ্গেরে থাকিতেন, তাঁহাদের ভক্তির

বলে মুঙ্গের ব্রাহ্মসমাজ বিশেষ জীবনযুক্ত লাভ করিল। কেশব বাবু ইঁহাদের ভক্তিভাবে মুগ্ধ ও উপকৃত হন।

A few Baishnabs, full of *bhakti* for their God, resided at Monghyr, and the Brahmo Samaj at the place received fresh life from the impulse which it derived from their *bhakti*. Their *bhakti* fascinated Keshab Babu and did him good.

Again, at pages 51 and 52,—

এই সময়ে ভক্তিভাজন রামকৃষ্ণ পরমহংস মহাশয়ের সহিত কেশব দাতার আলাপ হয়। তাঁহার জীবন্ত বৈরাগ্য দর্শনে কেশব বাবু বৈরাগী সাধনে প্রবৃত্ত হইয়া আমাকে কলিকাতায় আসিতে পত্র লেখেন, আমি কলিকাতায় আসিয়া দেখি কেশব বাবু স্বহস্তে রন্ধন করিতেছেন। ব্রাহ্মসমাজে যাহাতে বৈরাগ্যভাব প্রবেশ করে তজ্জন্য তিনি বাস্তবিক চেষ্টা করিতেছেন।

At this time Keshab Babu became acquainted with the venerable *Paramhansa* Ramkrishna. On seeing his hearty *Bairágya*, Keshab Babu was induced to cultivate it himself. He asked me to come to Calcutta, and on coming here, I found him cooking his dinner with his own hand. I found him really endeavouring to infuse the sentiment of *Bairágya* into the Brahmo Samaj.

The Goswami himself, who was until recently one of the leaders of the Brahmo Samaj, appears to have owed much of his religious progress to Hindu influence (see pp. 34-39).

The second point relates to the Brahmos as a body. The gist of what the Goswami says regarding them is of a very unfavorable character. There is not much of true religion amongst them. They do not love each other as they should. They hate and speak ill of each other. They are too prone to quarrel amongst themselves, which could not be if they had entered the Brahmo Samaj from a real thirst for a religious life. Differences of opinion lead them to exhibit feelings, the very existence of which was never before suspected. Such differences suddenly convert meekness and gratitude into open violence and ingratitude. The picture is a painful one, and we deeply regret that the Brahmo Samaj should present to the world so sorry a picture of itself within only fifty years after its foundation. We are not, however, all despair as yet. We are glad to find that the Goswami's gloomy picture has been adopted by the Sadharan Samaj itself, which means that among its leaders are men whose eyes are open to its faults and failings, and who are bent upon its reformation. May their efforts in this direction be crowned with success!